

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

JORDAN ECK,	:	
HALEY HARTLINE, and	:	
VINCENT FERRIZZI,	:	
Plaintiffs,	:	
	:	NO. 5:19-cv-01873-MAK
v.	:	
	:	JURY TRIAL DEMANDED
OLEY VALLEY SCHOOL DISTRICT,	:	
et al.	:	
Defendants.	:	FILED ELECTRONICALLY

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Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

DATE: 12/5/2019

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CERTIFICATE OF SERVICE

I, Sharon M. O'Donnell, Esquire, of Marshall Dennehey Warner Coleman & Goggin, do hereby
certify that on this 5th day of December, 2019, I served a copy of the foregoing Joint Appendix - Part 2
(Revised), electronically, as follows:

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORDAN ECK, HALEY
HARTLINE and VINCENT
FERRIZZI,

Plaintiffs

NO. 5:19-CV-01873-MAK

vs.

OLEY VALLEY SCHOOL
DISTRICT; TRACY SHANK,
individually and as
Superintendent of the
Oley Valley School
District; CHRISTOPHER M.
BECKER, individually and
as Principal of Oley
Valley High School; and
STACEY LYONS,
individually and as an
employee of Oley Valley
High School,

Defendants

JURY TRIAL DEMANDED

DEPONENT: CHRISTOPHER M. BECKER

DATE AND TIME: Monday, November 11, 2019
at 12:45 p.m.

LOCATION: Oley Valley High School
17 Jefferson Street
Oley, Pennsylvania

BERKS COURT REPORTING SERVICE
By: Lori A. Dilks
Certified Court Reporter
10 Fox Glen Drive
Sinking Spring, Pennsylvania 19608
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1

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13 Representing the Defendants

14 ALSO PRESENT:

15 Dr. Tracy Shank

16
17
18 STIPULATION: It has been stipulated by and between
19 counsel that they waive the sealing of the transcribed
20 testimony by the witness and the filing of the original
21 with the Court, and all objections, except as to form,
22 until the time of trial.
23
24
25

1

I N D E X

2

WITNESSEXAMINED BYPAGE

3

Christopher M. Becker

Mr. Ready

4

4

5

EXHIBITS

6

NUMBERDESCRIPTION

7

1 Letter dated March 20, 2019

8

2 Maria Jones Narrative

9

3 Discipline Referral Form

10

4 E-mail dated March 20, 2019

11

5 E-mail dated March 21, 2019 and April 25, 2019

12

13

6 Initial Evaluation Form for Jordan Eck dated 2/22/19, with attachments

14

7 Teacher Input Form, with attachments

15

8 Letter dated March 27, 2019, with attachments

16

17

9 E-mail chain dated 3/24/19

18

10 Discipline Referral Form for Jordan Eck

19

11 Discipline Referral Form for Jordan Eck

20

12 Joint Report of Rule 26(f) Conference

21

13 Letter dated May 9, 2019

22

14 Prior Written Notice for Initial Evaluation and Request for Consent Form for Vincent Ferrizzi

23

24

15 Newsies Cast Members List

25

16 Memorandum dated March 21, 2019

3

	<u>NUMBER</u>	<u>DESCRIPTION</u>
1		
2	17	Section 220, Student
3		Expression/Distribution and Posting of
4		Materials
5	18	Section 233, Suspension and Expulsion
6	19	Section 248, Unlawful Harassment
7	20	Section 252, Bullying and cyber Bullying
8	21	May 19, 2019 Required Information
9	22	E-mail dated March 19, 2019
10	23	E-mail dated March 20, 2019
11	24	E-mail dated March 20, 2019
12	25	E-mail dated March 21, 2019 with
13		handwritten notes
14	26	E-mail chain starting March 25, 2019
15	27	E-mail chain starting April 2, 2019
16	28	E-mail dated April 24, 2019
17	29	E-mail dated April 24, 2019
18	30	OVSD Code of Conduct
19	31	Text messages
20		
21		
22		
23		
24		
25		

1 PROCEEDINGS

2 CHRISTOPHER M. BECKER

3 was called as a witness and, having been first duly sworn
4 by the Reporter-Notary Public, was examined and testified
5 as follows:

6 BY MR. READY:

7 Q. Good morning, Mr. Becker.

8 A. Good morning.

9 Q. My name is Joel Ready, and I represent
10 Jordan Eck, Haley Hartline and Vinny Ferrizzi in this
11 lawsuit.

12 A. Okay.

13 Q. If I refer to the Plaintiffs throughout
14 this conversation, you'll understand I'm referring to
15 those three; correct?

16 A. Correct.

17 Q. I want to just ask you, have you ever had
18 your deposition taken before?

19 A. No.

20 Q. Well, congratulations to you. You can
21 scratch this off your list of things to do.

22 So a few rules that we're going to go by.
23 I'm going to ask you to let me finish every sentence, and
24 I will strive to do the same before interjecting, and
25 that's for the benefit of Ms. Dilks so that she can take

5

1 everything down. Is that okay?

2 A. Sure.

3 Q. If at any point I ask you a question
4 you're not sure you understand, please ask me to clarify
5 it and I'll be happy to do so, but if you answer I will
6 assume you understood the question. Is that fair?

7 A. Sure.

8 Q. At any point if you need to take a break,
9 that's fine. I'll just ask you to finish the question
10 we're on, and then just let us know and we'll be happy to
11 do that. All right?

12 A. Okay.

13 Q. I want to ask you some questions here.
14 First of all, I understand, just as a clerical matter,
15 that you're no longer employed here at the Oley Valley
16 School District. Is that right?

17 A. Correct.

18 Q. Where do you work now?

19 A. Daniel Boone Area High School – School
20 District, technically.

21 Q. What do you do there?

22 A. I'm the Assistant Principal at the high
23 school.

24 Q. And you were a high school Principal here
25 at the Oley Valley School District?

6

1 A. Um-hum.

2 Q. I'm sorry. We need you to verbalize your
3 responses as yes or no because they're hard to take down
4 as just uh-huh.

5 A. Sure, yes.

6 Q. So you were a high school Principal here.
7 Is that right?

8 A. Correct.

9 Q. And then tell me, how does one become a
10 high school Principal?

11 A. Well, I mean, first of all, you have to
12 teach. At the time when I was a teacher, it was five
13 years of successful teaching experience. So you do that,
14 you go through to get the five years experience as a
15 teacher.

16 On top of that you have to get a Master's
17 degree in educational leadership, and you have to pass the
18 Praxis to have your Principal Certification, which is
19 kindergarten through 12th grade. So I was able to do
20 that, and you're K to 12 certified to be a Principal.

21 Q. What did you teach?

22 A. Middle school math in the Reading School
23 District.

24 Q. When did you begin working at Oley Valley
25 School District?

7

1 A. So I started at Oley Valley School

2 District -- It was officially July of 2018.

3 Q. And when was your last day here at the
4 Oley Valley School District, if you recall?

5 A. The last day that I worked in the school
6 was like May -- I believe it was right before May 20th
7 'cause I was Board approved at Daniel Boone May 20th, I
8 believe, which was a Monday.

9 Q. Okay.

10 A. So, yeah, May of 2019 because I was
11 hired in July of 2018.

12 Q. During your time here you had a
13 work-related e-mail account that was cbecker@ovsdpa.org.
14 Is that correct?

15 A. Correct.

16 Q. And everything to and from that address
17 would have been sent or received by you; correct?

18 A. From my understanding.

19 Q. Assuming no IT glitches, in other words,
20 there wasn't someone else monitoring your inbox like your
21 secretary or somebody; correct?

22 A. Not that I believe, no.

23 Q. I'm sorry, it's not a trick question.

24 Sometimes people will have like a secretary who sends or
25 receives their e-mails for them. You handled your own

8

1 inbox on a day-to-day basis?

2 A. Yeah. I mean, I responded to e-mails
3 and it was my e-mail box, sure.

4 Q. Before we get into the facts of this
5 case, I want to ask you a few general questions about
6 your training in respect to student discipline.

7 So what have you done, either
8 educationally or otherwise, to learn the standard
9 practices of student disciplinary procedures?

10 A. Well, like I said, I have a Master's
11 degree in educational leadership, which involves a course
12 in most programs in terms of school law, so on and so
13 forth, so I was able to take that. I passed the Praxis,
14 which is an exam that you need to pass.

15 But once you're an Administrator I think
16 you have those ongoing conversations and you receive
17 various professional development needs through the BCIU,
18 through your school district --

19 Q. I'm sorry to interrupt. What is the BCIU

20 A. Berks County Intermediate Unit.

21 Q. Okay.

22 A. So there's training that's going on for
23 everything in terms of school law, school prac-- you
24 know, best practices in the classroom, whatever it may
25 be.

9

1 So when you're an Administrator, just like
2 I'm sure in your profession, there's opportunities to
3 learn and grow once you're in a role.

4 Q. It was part of your job as the Principal
5 of the high school to handle student discipline then. Is
6 that right?

7 A. Correct, yeah.

8 Q. So can you tell me, in dealing with
9 student discipline, how do you handle student discipline
10 about verbal statements made by students?

11 A. Such as?

12 Q. Well, let me ask it like this. You're
13 aware this is a First Amendment lawsuit; correct?

14 A. Correct, yeah.

15 Q. How do you, as a school disciplinarian,
16 handle the line between legitimate student statements and
17 those that you believe cross a line of appropriate
18 student conduct?

19 A. I'm not understanding the question.

20 Q. Student statements are generally
21 protected by the First Amendment; correct?

22 MS. O'DONNELL: Object to the form.

23 MR. READY: Okay. You can answer.

24 MS. O'DONNELL: A student statement is
25 protected by the First Amendment, so I object.

10

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1 BY MR. READY:

2 Q. Let me ask it like this. Are student
3 statements protected by the First Amendment?

4 A. I suppose. I don't know.

5 Q. That's a perfectly acceptable answer.
6 You would agree that some statements by students are
7 subject to First Amendment protection; correct?

8 A. What I do know is that when students
9 come to me and say something, I'll do the best thing in
10 my ability to investigate it because I'm in the business
11 of students. So if they have a question or a comment or
12 a concern about a staff member or another student, I
13 believe it's in my best interest to look into that.

14 Q. So a student makes a comment in a
15 classroom and it's reported to you, how do you balance
16 their First Amendment right to make a statement versus
17 what's appropriate discipline for a statement that you
18 think crosses the line?

19 MS. O'DONNELL: Objection to form because
20 I don't know that a student has a First Amendment right to
21 say anything that he or she wishes to say in a classroom.

22 BY MR. READY:

23 Q. Okay. Let me ask you this. Mr. Becker,
24 you've done training, as you told us, in school law and
25 in how to deal with students; correct?

11

1 A. Yeah, I've had courses. I've had
2 conversations. I mean --

3 Q. So you've taken courses in your Master's
4 program, and I think you said some of that was covered?

5 A. Yeah. At Wilkes University I had a
6 course, yeah.

7 Q. And you've had ongoing training, I take
8 it, in some areas of school law and student discipline?

9 A. Sure. I mean, through the conversations
10 with Superintendents or, you know, people have come in to
11 give us special education, for example. That's a hot
12 topic in education. We'll receive seminars or advice
13 depending on a given situation, so those things happen as
14 the Districts felt the need to.

15 Q. So when a teacher approaches you and says
16 a student said something in a classroom or on school
17 grounds that was inappropriate and I think they should be
18 disciplined, how do you weigh whether that statement was
19 protected by the First Amendment versus not as a
20 disciplinarian in the school?

21 MS. O'DONNELL: Again, I'm going to
22 object, but go ahead.

23 BY MR. READY:

24 Q. Within your understanding, I'm not
25 asking you for legal --

12

6 of 51 sheets

1 A. Any situation, when a teacher comes to
2 me and reports something, I look into it. So if a
3 teacher says a kid cursed me out, I'm going to look into
4 it.

5 Sometimes it's very cut and dry. You have
6 a certified teacher who says something happened in his or
7 her classroom, you deal with it accordingly. Or if it's
8 something that they say, hey, I think this kid took
9 somebody's pencil or I think they cursed me out under
10 their breath, there's different things you could do.

11 Generally speaking, what you do is you
12 investigate the situation by talking with other students
13 or, if there's a co-teacher in the room, you try to get
14 your facts so when you make a decision you feel that you
15 stand by it.

16 In my practice, I worked closely with
17 Superintendents or, as an Assistant Principal for many
18 years, with my building Principal because you want to be
19 in concert with those people to make the decision that you
20 feel is best.

21 Q. So let's say that a teacher wants a
22 student disciplined for something they said that was a
23 political opinion during class. How do you handle making
24 sure that you respect that student's First Amendment
25 rights and also bring appropriate discipline for that

13

1 situation?

2 MS. O'DONNELL: Again, objection to form,
3 but you can answer.

4 THE WITNESS: I don't have a response for
5 that because I -- it really is situational. It depends on
6 what exactly was said and then that would depend on what I
7 would do.

8 I've been an Administrator for, I think,
9 nine years. I've worked in roles as Principal, Assistant
10 Principal K to 12. Every situation every day is different
11 in my role.

12 So it really is situational based about
13 which avenue or which step that I would take depending on
14 where I'm working, am I the Principal, am I the Assistant
15 Principal, what was said. It's hard for me to give you an
16 exact response to that question.

17 BY MR. READY:

18 Q. Let me go about it a different way. Has
19 there ever been a time that someone has asked you to
20 discipline a student for something they said, and you
21 questioned whether you were allowed to do so consistent
22 with the First Amendment?

23 A. I don't believe so. I think when I'm in
24 doubt with any discipline, whether it's First Amendment
25 or whether it's a dress code violation, I've always tried

14

1 to bounce that off somebody else.

2 You know, in my role at Oley, Dr. Shank
3 and I worked very closely together. In my role now I have
4 a building Principal and I have an Assistant Principal,
5 and I think that's kind of the relationship that we have;
6 where we're making a decision, we feel that two or three
7 heads is better than one.

8 Q. I understand -- what you're telling me is
9 that your collaborative about every decision you make;
10 correct?

11 A. When you need to be. I mean, there are
12 certain things that are clear-cut. If a kid is late to
13 school, those things are easy.

14 Q. Without going into those types of topics
15 right now, what I'm just really trying to zone in on is,
16 of course, there's a collaborative process. You're
17 telling me about the process of discipline.

18 What I'm really asking you, has there ever
19 been a time that you've told someone, referring a student
20 for discipline, I really can't take action against that
21 student because what you want me to punish him for or her
22 for is a First Amendment protected statement?

23 Have you ever had to do that, or has that
24 ever been something you've had to consider?

25 A. I'm sure it's been something that I've

15

1 had to consider. I don't have an exact example of that,
2 but being in the field for as long as I have and working
3 with people that I've worked with, those conversations
4 have come up, you know, in terms of different things.

5 We talk a lot in school about, you know,
6 door to door. We talk about social media. We talk about
7 all of those things. And there's times where you can use
8 the School Code and there's times you cannot, but all
9 those conversations have taken place, you know, over the
10 course of my tenure as an Administrator.

11 Q. When you said door to door, what is that?

12 A. Like as far as the school being
13 responsible for a student from door to door.

14 Q. From when they come in to when they
15 leave?

16 A. Correct. So there's sometimes that I
17 remember where, you know, there's a fight that may occur
18 in the school which you handle at the school. But, you
19 know, sometimes when things happen off of school
20 property, for example, or on a Saturday evening, it may
21 be handled a little bit differently for that reason.

22 Q. Why is it handled differently if a
23 student maybe says something -- let me back up.

24 I presume that if a student -- there are
25 some things a student might say on social media, whether

16

1 on a video or a Facebook post or what have you, that you
2 would treat differently than if they had said it in the
3 classroom. Is that correct?

4 A. Yeah. I mean, it would depend, I think.

5 Q. Let's say a student cussed in a Facebook
6 video and went on a string of profanities as opposed to
7 doing so in the classroom during class.

8 I presume you would handle those -- one of
9 those would be subject to discipline and, perhaps, the
10 other not, but you correct me if I'm wrong.

11 A. Yeah, I would assume, based upon that
12 situation, that would be correct.

13 Q. Why would the student's statement outside
14 the school, though recorded and easily provable, why
15 would that be different than what he said during school?

16 A. Well, from my understanding, we're
17 responsible during the school day, door to door, for
18 students' behavior. There's things that we have learned
19 outside of school in some other places that I've been in
20 where the school has done their best to intervene.

21 Like you said, if we hear somebody cursing
22 up a storm on Facebook and it is shown that it's a
23 Saturday night and a student brings it to your attention
24 or whatever, you know, we'll try to provide the
25 interventions that we can for that student.

17

1 Because they're cursing, we might call
2 their parents, hey, we learned about this. We're trying
3 to help them, try to work together because we really focus
4 on the whole child.

5 Q. So you believe that if a student makes a
6 statement outside of school that that is still something
7 that you might interact with that student about?

8 A. It all depends on the statement, too.
9 I've had situations where students have put a threat to
10 school on their social media account so, obviously, we
11 have to call the police and that's a whole different
12 thing. So it really is situational.

13 Q. But you would, also -- I mean, obviously,
14 situations that deal with safety -- and I do want to
15 follow up with you about that in a second -- deal with
16 safety, that might be one thing.

17 But even a student saying or doing
18 something outside of school that's recorded on social
19 media or that you hear about, you would still potentially
20 pursue discipline with that student if you thought it
21 warranted it.

22 MS. O'DONNELL: Object to the form. He
23 said intervention. He didn't say discipline.

24 BY MR. READY:

25 Q. So let me ask. You tell me. I'm asking

18

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1 you. I mean, intervention versus discipline, is there a
2 line there that you would not cross?

3 A. I can tell you this. I can be very
4 clear on this. If a student says something about me in a
5 classroom, that would be school discipline as the high
6 school Principal; if someone would say, F- Mr. Becker or
7 whatever, and they stand up in front of the class and say
8 that.

9 But if I would learn that that took place
10 on an Instagram post on a Saturday night, that's out of my
11 jurisdiction.

12 Q. Why?

13 A. Because it's not during the school day.

14 Q. So I take it then there's a reason that
15 you wouldn't want them -- again, you tell me -- maybe you
16 don't want the student disrupting the classroom. Is that
17 the difference?

18 A. Correct, or speaking like that about a
19 Principal or a teacher or staff member during the school
20 day. That's disrespectful.

21 Q. But even if all their friends follow them
22 on Snapchat, and they made the same cuss word, same
23 inappropriate remark, right, you would say that is
24 something you wouldn't discipline versus something in the
25 classroom. Why?

19

1 A. I thought I was clear when I spoke about
2 it, that that was outside of the school day.

3 And people can say what they want outside
4 of school about any of us, but when they say it in the
5 classroom, as a Principal, as an Administrator, I feel
6 it's the job for an Administrator to handle, you know, per
7 the school regulations and per the handbook, to keep a
8 safe, orderly environment for students to come to school
9 and learn and be safe.

10 Q. You mentioned threats, so let me ask you
11 about those. When you hear a threat outside of school --
12 obviously, we're living in a day and age where this
13 happens occasionally -- you find a threat online, you
14 hear a student has orally told others he is threatening
15 to hurt someone or hurt the school population at large --
16 what steps do you take to deal with that threat? Talk
17 about that process.

18 A. So in my experience we've called our
19 Superintendent to inform them of that. I've worked with
20 an SRO in the past who -- we've worked very closely with
21 the School Resource Officer and the Chief of Police for
22 that township, so we work very collaboratively to make a
23 decision that we felt was necessary.

24 And sometimes you find that information
25 out -- you don't go fishing for it -- but you have a

20

8 of 51 sheets

1 parent who has a son or daughter who's friends with such
2 and such and they see something, and they need to alert
3 the school to do the right thing because they feel that
4 something bad could happen.

5 Q. You mentioned earlier that you also do
6 investigation, that you talk to students about what they
7 heard or that you gather second opinions about what
8 happened in the classroom. Is that right?

9 A. Correct.

10 Q. If you hear about a threat and it's
11 online, you ask for evidence of that threat?

12 A. Yeah, sure.

13 Q. Are there meaningful differences in
14 disciplining students based on what grade they're in?

15 A. I think it all depends on the situation.

16 Q. Do you deal differently with a 5th grader
17 versus a 12th grader?

18 A. I think it all depends. I've been an
19 elementary Principal, I've been a high school Principal.
20 A student, for example, was fighting in school and
21 they're in 5th grade or they're in 12th grade; it's a
22 fight. And general practice is a minimum of at least
23 three days out of school suspension for a fight.

24 If you're in 5th grade or you're in 12th
25 grade and that happens, that's the policy that I followed.

21

1 Q. Okay.

2 A. In the District it's followed.

3 Q. Are there meaningful differences between
4 a student being disrespectful versus being engaged in
5 self-expression?

6 A. I suppose. I mean, students can have a
7 conversation, they can vent, they can talk to you about
8 their feelings.

9 As adults we can do the same thing. We
10 can sit around a table and we can have a conversation and
11 we can disagree, or we could become very disrespectful.
12 So you can have the same conversation, I think, two
13 different ways.

14 Q. Do you deal differently with students who
15 have been disrespectful versus those who have merely
16 expressed their opinion?

17 A. Yeah, absolutely. I try to be the type
18 of person -- personal life and in my professional life --
19 that the door is always open, and I'll talk to kids and
20 I'll talk to staff about anything that they want to talk
21 about, and we can definitely have those conversations.
22 That's why I'm an educator, you know, I love -- I want to
23 help kids. I'm in the business of kids.

24 But at the same time, just like a friend
25 or a family member, if a conversation starts becoming very

22

1 disrespectful, the conversation is taking a different
2 tone, a different route, and then you need to decide which
3 way you need to go, whether you stop and you reconvene
4 that conversation, or you tell the person I took offense
5 to that, however it is that the people in the room or how
6 you are at that given time, that you would like things to
7 continue or not to continue.

8 Q. As a high school Principal, part of your
9 job of preparing students is to prepare them for the
10 outside world; correct?

11 A. Correct. Yeah, to become college and/or
12 career ready, and a good person, give back to society,
13 absolutely.

14 Q. In dealing with that, part of what you do
15 -- you tell me -- would be changing the way you deal with
16 students as they grow older in the system. Is that
17 correct?

18 A. What do you mean by that?

19 Q. Do you accord students different
20 liberties and freedoms as they get older in the system?

21 A. I try to treat all kids with respect. I
22 mean, I'm a middle school teacher. I was an elementary
23 Principal, I was a middle school Assistant Principal for,
24 I believe, close to four years at Pottsgrove, and it was
25 my first experience as a high school Principal at Oley

23

1 last year.

2 So whether I was a teacher, an Assistant
3 Principal, Principal, elementary school and middle school,
4 high school, I try to build the relationship with all
5 students, talk to them, help them, guide them. And, like
6 you said previously, help them when they get out of high
7 school and they're a graduate, to help them chase their
8 dreams and go after whatever it is that they want to go
9 after.

10 Q. And I don't so much mean respect for a
11 student because, obviously, you respect all students
12 equally. But there are certain liberties that students
13 start to get as they get older in the system; they can go
14 on a work release, they can take college classes
15 part-time, as I understand it.

16 Is that an accurate statement, that there
17 are liberties you give students when they're older that
18 they don't have when they're younger?

19 MS. O'DONNELL: I'm going to object to the
20 form. Privileges might be what you're looking for.
21 Liberties are something different.

22 BY MR. READY:

23 Q. Fair. Are there privileges you give
24 older students in the system, 12th graders, for example,
25 that you don't give 9th graders?

24

1 A. I mean, I guess it depends on the
2 school, it depends on the situation.

3 Q. Specifically you, as Principal of the
4 Oley Valley School District, were there privileges that
5 students received or -- there's an objection to the word
6 liberties, but are there things that students are allowed
7 to do in 12th grade that they're not allowed to do in 9th
8 grade because of their age and their advanced --

9 A. I suppose. I mean, you know, you
10 mentioned work release, you know, from my understanding
11 of that program. You know, kids are going on college
12 visits, dual enrollment. They're taking some credits for
13 whatever it is that they want to do.

14 Sports, obviously, those things are in
15 play depending on the school, where at the middle school,
16 elementary school, per se, they're not because of their
17 age.

18 Q. Do you agree or disagree with the
19 statement, a 12th grade student may form and express a
20 personal opinion on the abilities of a teacher?

21 A. I think all students could do that.

22 Q. You believe every student could form and
23 express a personal opinion about the abilities of a
24 teacher?

25 A. Sure.

25

1 Q. Do you agree or disagree with this
2 statement, a 12th grade student may form a personal
3 opinion on the credibility or veracity of a teacher?

4 A. I think we all can form opinions about
5 teachers and situations and schools and whatever --
6 whatever topic it is, sure.

7 Q. You agree then that it would be wrong to
8 discipline a student solely for expressing an opinion
9 about the veracity or effectiveness or abilities of a
10 teacher?

11 A. Sure. If somebody just -- sure.

12 Q. In your training and experience as an
13 educator, the relationship between teacher and student is
14 an authority relationship. Is that correct?

15 A. That's correct, yeah.

16 Q. And you expect that same relationship
17 applies in an extra -- or you call them co-curricular
18 activities such as the drama club; correct?

19 A. Correct.

20 Q. If a teacher asks a student a direct
21 question and the student believes that candor about the
22 answer would be unpalatable to the teacher, how should
23 that student respond?

24 A. What do you mean by that?

25 Q. If a student is asked a direct question

26

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1 by a teacher in school hours and believes that the answer
2 is going to be something the teacher is not going to want
3 to hear, how should that student respond?

4 MS. O'DONNELL: Object to the form. I
5 don't even know how this is evidence but go ahead, if you
6 can.

7 THE WITNESS: I would need another example
8 to answer that question.

9 BY MR. READY:

10 Q. Sure. If a student is asked by a teacher
11 a question and the student, in their mind, thinks I know
12 the answer to this question, if it's about a classmate,
13 about the teacher, about something else, and the teacher
14 is not going to like my opinion about this, how should
15 that student respond? Should they share the opinion?
16 Should they keep it to themselves and say I decline to
17 answer?

18 A. I don't know how other students would
19 respond. That would be up to the individual.

20 I've had, in my experience, individuals
21 tell teachers that and they want to come down and talk to
22 me about it. I've had some --

23 Q. Tell them what? You said, that.

24 A. You know, maybe they're asked a question
25 and the student feels like this is the answer they don't

27

1 want to hear but it's the answer I'm going to tell them,
2 and they know the teacher takes offense to it; or I've
3 had students come down and say, hey, Mr. or Mrs. Such and
4 Such asked me this question, but I didn't feel
5 comfortable saying it in front of 20 kids, so I want to
6 tell you.

7 Some kids aren't comfortable at all; they
8 don't say anything. Some kids aren't comfortable talking
9 to anybody at school; they tell their parents and their
10 parents call us as building Administrators.

11 So it really all depends on the student,
12 in my professional opinion.

13 Q. Do you believe it's right to discipline a
14 student for sharing an answer that a teacher doesn't like
15 when directly asked?

16 A. No.

17 Q. I'm going to point your direction here to
18 the documents in front of you. We've marked these with
19 tabs to, hopefully, make this a little easier.

20 I'm going to ask you to look at
21 Exhibit 17, Tab 17 there.

22 A. (Witness complies.)

23 Q. I'll represent to you this is a
24 multi-page document starting at Bates stamp 801. This is
25 called the Student Expression/Distribution and Posting of

28

10 of 51 sheets

1 Materials Policy. Have you ever seen this policy before?

2 A. I've seen School Board policy, sure. I
3 haven't read everything, to be honest, from first to last
4 page during my tenure at Oley Valley. Sure.

5 Q. But you are familiar, in other words,
6 with this specific document or no? Either way is fine.
7 I'm just trying to find out.

8 A. Yeah, I've -- I know of it, sure.

9 Q. Did you ever give any training or receive
10 any training on this document and how to implement its
11 statements with the teaching staff or the faculty?

12 A. I mean, I'm aware of School Board
13 policies, and you should be familiar with them.

14 Q. This specific policy, though, you said
15 you're not sure if you've ever seen it. Is that
16 accurate?

17 A. Yeah. I mean, I know most schools
18 there's a binder of policies, you know, from the first
19 one to the last one. Things get adapted, things get
20 revised as the years go on.

21 Q. So in your tenure you don't recall
22 specifically reading this policy?

23 A. I don't recall.

24 Q. You don't recall ever receiving training
25 on how to implement the requirements in this policy for

29

1 the student body?

2 A. (Witness reviewed document.)
3 I don't know how to answer that question.

4 Q. Did anyone ever sit down with you and
5 this policy, either in a room full of people or by
6 yourself, and say hear's how we want this policy
7 implemented?

8 MS. O'DONNELL: I'm going to object to the
9 form. And it's not just you, Joel, it's many, many
10 Plaintiff's attorneys who start their question out with,
11 did anyone ever sit down and do this. They could do it
12 standing, they could do it by phone, they could do it by
13 video. What are you really asking?

14 BY MS. READY:

15 Q. Mr. Becker, did anyone stand, sit or by
16 video train you on this policy? It's a very simple
17 question. I'm not trying to be complicated.

18 And, really, I understand there's a lot of
19 policies that you've seen as a Principal. I understand
20 that. I'm just asking you, did anyone ever sit, stand or
21 by video train you on this policy?

22 A. I don't believe so. I know there's
23 policies, and I know as a Principal maybe you should be
24 able to read all of them.

25 But I think in most of my experience, when

30

1 something happens or you're looking into something, you
2 would find the Board policy and then read it.

3 Q. So in your time at Oley Valley School
4 District, did you ever find the need to consult this
5 policy on a specific occasion?

6 A. I don't recall.

7 Q. I take it from your answers that you also
8 never held a training session with the faculty or the
9 staff to talk about this policy, specifically?

10 A. Not to my knowledge, no.

11 Q. I want to ask you some questions about
12 oversight of the Drama Department. As high school
13 Principal, did you supervise Mrs. Lyons or did she report
14 to someone else?

15 A. I believe, technically, she reported to
16 me.

17 Q. What steps did you take to supervise her
18 in her role as a Director, a Co-Curricular Director?

19 A. I mean, I talked to Stacy. I tried to
20 be supportive, whether we had our meetings -- you know,
21 she came in to meet me when I first started to kind of
22 give me an overview of the program and the work that
23 she's done and just always tried to create that open-door
24 policy with Stacy in terms of having that communication
25 with her.

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1 I attended like the school plays, so on
2 and so forth, like in terms of -- there's two plays, one
3 around this time of the year and then there was, of
4 course, Newsies in the springtime, so just that
5 communication to try to be supportive.

6 And then, of course, you would get some
7 parents or some students that would want to talk about the
8 play, so that's kind of how I oversaw that.

9 Q. Did you hire or have oversight of the
10 other people that were brought on to help with the play,
11 such as Ms. Hartenstine or -- I'm sorry, I don't have the
12 other names in front of me; I know there were some other
13 people who helped -- did you have oversight or did you
14 hire those individuals?

15 A. No.

16 Q. I suppose you left to Mrs. Lyons the job
17 of picking --

18 A. Yeah, honestly, I don't know. I don't
19 know if those people were previously -- like I said, I
20 started at Oley Valley about a week before the students
21 did.

22 I was new to the role. Things were
23 happening very quickly. I had an Assistant Principal who
24 was with me who left, and then just trying to get my feet
25 wet in a brand-new position, a brand-new role.

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1 So there was a lot going on at the
2 beginning of the year. And then before you know it there
3 was, like I said, the play, from my memory, in November
4 that took place, the fall play last year, so I was there
5 to support that. I believe I was here on night one for
6 that. So I don't know if the people that were with her
7 for that show, honestly, were brand-new to the last school
8 year or if they were returning.

9 Like I know with coaching, for example,
10 you know, generally speaking, you do the sport and you
11 have the meeting and then you decide on next year, am I
12 coming back or am I not coming back, if you're asked to
13 come back, and then you're expected to come back and have
14 that same team in place.

15 Now, emergencies or whatever happen,
16 people leave the district or whatever, that might create a
17 vacancy down the line.

18 Like I said, when I first met Stacy Lyons
19 she came into my office and wanted to meet me and talk to
20 me about her experience in the program and where Oley
21 Valley was heading, and she wanted to meet me and put a
22 face with the name as the new high school Principal.

23 Q. I want to take you to the events of
24 March 19th of this year, March 19th, 20th and 21st.

25 A. Okay.

33

1 Q. I want to have you turn to Exhibit 4 in
2 this binder (indicating).

3 A. 4.
4 (Witness complies.)

5 Q. This is an e-mail that says it's from
6 Stacy Lyons. Have you ever seen this e-mail before?

7 A. (Witness reviewed document.)
8 I don't recall.

9 Q. You don't recall seeing this e-mail in
10 the past?

11 A. I try to do my -- I don't recall.

12 Q. To help maybe refresh your recollection
13 or maybe not, March 20th, 2019, it looks like it was sent
14 about 12:17 in the morning. This would have been the
15 day -- that day would have been the School Board meeting
16 at issue in this case.

17 A. Okay.

18 Q. Do you recall the day of that School
19 Board meeting or, I guess, the day before at any point
20 discussing with Stacy Lyons the content of an e-mail she
21 proposed to send?

22 MS. O'DONNELL: Are you asking him, did
23 she talk to Chris Becker about this e-mail before she sent
24 it? Is that your question?

25 BY MR. READY:

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1 Q. Correct. Did you have any conversation
2 with Mrs. Lyons about sending an e-mail of this nature?

3 A. I don't remember.

4 Q. And I'm going to walk you through some
5 statements in this e-mail. And maybe for your context,
6 in the second paragraph she says this: I've been working
7 closely with Dr. Shank and the Administration since
8 January.

9 So I'm going to ask you just kind of -- if
10 you are familiar with some of what she's referring to
11 because she said she was working closely with you. Okay?

12 A. Yeah.

13 Q. In the first two sentences she says: I
14 need your help. I've spent the last two months shielding
15 the kids from some very horrible stuff happening behind
16 the scenes with a student and his mother.

17 Are you familiar with what she was
18 shielding the kids from?

19 A. I can probably assume.

20 MS. O'DONNELL: I'm going to instruct you
21 not to. Don't guess.

22 THE WITNESS: I'm not going to guess.

23 BY MR. READY:

24 Q. You don't have to guess at anything you
25 don't know or assume anything you don't know.

35

1 I'm just asking -- she said she'd been
2 working closely with Dr. Shank and the Administration, and
3 I know we'll get the chance to speak with Dr. Shank. So
4 I'm just curious if you would know, from the context of
5 this e-mail, immediately what the very horrible stuff was
6 that she was shielding the kids from?

7 A. I can tell you two things for sure;
8 that, yeah, Dr. Shank and I, in the roles that we were in
9 and working together, that Mrs. Lyons did speak with us.
10 At one point Dr. Shank, I think, laid out a very detailed
11 bulletin for Mrs. Lyons about some guidelines and things
12 to follow, looking back at some records that I had that I
13 obtained to try to be very clear.

14 And then Mrs. Lyons and I had some
15 conversations about the play in terms of like practice
16 time, which was a concern. I know Dr. Shank, as well,
17 spoke to her about the perception of --

18 Q. Let me stop you there for just a second.
19 You said practice time. What specifically about practice
20 time?

21 A. That practice was very, very long.

22 Q. Practices were going too long and --

23 A. Saturday I remember, you know, practice
24 time was lengthy, on top of the daily life for a high
25 school student, you know, and also that maybe if practice

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1 was -- I don't know -- scheduled from 6 to 9, that we
2 start at 6 and we end at 9.

3 Q. To the best of your recollection, did you
4 have those conversations with her before this time,
5 before this e-mail was sent?

6 A. Mrs. Lyons, yeah, Dr. Shank and I both
7 spoke to her.

8 Q. Where did you hear these concerns? Was
9 it from students, parents? Was it something you observed
10 personally about the practice time?

11 A. I think I had a couple phone calls or
12 maybe a student or two voiced their concern, so that's
13 where I received the information from.

14 Q. One such student would have been the
15 Bertin family, correct, Grace Bertin and her parents?

16 A. Correct.

17 Q. So they expressed those concerns to you.
18 Is that right?

19 A. Via phone, if I remember correctly, yes.

20 Q. What were some of their other concerns,
21 if any, if you recall?

22 A. I don't remember exactly those concerns.
23 I remember time was a big issue. And for me, that was
24 something that I wanted to try to get in touch with Mrs.
25 Lyons about and talk about.

37

1 Q. I interrupted you earlier. You were
2 saying that the time of the shows -- and I think you were
3 going to suggest some other things you talked to her
4 about the show before March 20th of this year.

5 Were there other conversations that you
6 had with Mrs. Lyons or with her and Dr. Shank about the
7 show and how it was being run?

8 A. I just think we had that ongoing
9 dialogue, I want to say, since January, maybe, of 2019,
10 that some things regarding the show would pop up, like
11 you said, in terms of phone calls or students'
12 displeasure with their roles and some things about the
13 process, in terms of the way that casting was determined
14 and the timing of that.

15 You know, those types of things were some
16 common concerns that I heard roughly since January, I
17 would say, of 2019.

18 Q. What other students and parents, other
19 than the Bertins, did you hear these concerns from?

20 A. Definitely Jordan. I remember speaking
21 with Jordan.

22 Q. Anyone else?

23 A. Not really that I distinctly remember.
24 I know Jordan and I spoke numerous times. I think, in
25 fact, we spoke alone. I think Mrs. Cambria and I spoke

38

1 to Jordan once.

2 Q. For context, who's Mrs. Cambria?

3 A. She was the Director of Special Ed.

4 Q. So I want to return back to this
5 sentence: I spent the last two months shielding the kids
6 from some very horrible stuff that was happening behind
7 the scenes with a student and his mother.

8 Do you who what this very horrible stuff
9 was?

10 A. Like I said, I used the word assuming
11 before. But just looking back at my notes the previous,
12 you know, couple weeks -- and you said March 20th was the
13 night of the Board meeting.

14 So if I have my dates correct, I believe
15 it was the 19th -- but I know the e-mails that I supplied
16 would confirm that to be a hundred percent accurate or
17 not -- but that there was the Snapchat report that was
18 made, along with the report that the mother, which I'm
19 assuming -- you know, being on the premises -- I believe,
20 it's on Pricetown Road, the ice skating -- or not the ice
21 skating -- skating -- whatever the practice was that they
22 were at, Jared.

23 Q. So Jared had reported to you a concern
24 that she had seen -- and I'm -- seeing someone at a
25 skating rink. Is that right?

39

1 A. Yeah, Jared and his mother. And, like I
2 said, I believe it was maybe the day before this, if I
3 have everything in my head correct. But, again, I know I
4 supplied it via e-mail. I believe it was the 19th of
5 March, 18th or 19th of March, that Monday or Tuesday, if
6 I remember correctly.

7 Q. So Jared and his mother had seen Mrs.
8 Eck, is that right, or someone?

9 A. I think it was Jared that maybe was at
10 practice, if I remember correctly, because he was at
11 practice, leaving to get in his car, told his mom, if I
12 remember correctly, and then they then came to the school
13 and wanted to talk to somebody.

14 Q. They believed they had seen Mrs. Eck in a
15 public place, and they brought that concern to you?

16 A. Correct.

17 Q. And is that the very horrible stuff that
18 was happening behind the scenes, or was it something
19 else, something more?

20 A. I assuming. I didn't write this e-mail,
21 Stacy Lyons did. But the ongoing stuff with the play in
22 terms of whatever was escalating between the students.
23 Like I said, that week I know the Snapchat video was
24 something that I was involved in and also the report of
25 the parking lot. So those are the things that come to

40

1 mind when I first read that.

2 Q. The next sentence: Unfortunately, the
3 situation has escalated to the point that this student
4 posted something against another student and police were
5 called in.

6 What is this referring to? Is this
7 referring to the Snapchat video you're talking about?

8 A. Yes.

9 Q. When did you first hear about this
10 Snapchat video?

11 A. Like I said, my e-mail would confirm it,
12 but it was either, I believe, the 18th or 19th of March.
13 I was in a meeting in the library conference room. I
14 believe that's where the meeting took place, as generally
15 they did for IEP meetings, the EIP meetings. And I was
16 alert --

17 Q. I'm sorry, there's a lot of abbreviations
18 in schools, so help me out. What does that stand for,
19 IEP?

20 A. Like an Individualized Education Plan.
21 And then the GIP is a Gifted plan.

22 So we routinely have to meet those
23 deadlines and meet with students and their parents every
24 year, or we can reconvene at any time to have those
25 meetings. And that's something that involved a Principal

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1 and a teacher and the caseload teacher.

2 So those are things that are on your
3 calendar, and you block off time to accommodate and make
4 those things happen.

5 Q. So you were interrupted on the -- roughly
6 about the 19th, you're thinking, to deal with this video?

7 A. Yeah. And I think basically -- I
8 believe it was an IEP meeting or a meeting. I believe it
9 was an IEP meeting, and basically the parents decided --
10 Jared and his mom decided to wait. And from what I
11 recall, it wasn't a lengthy time. It wasn't like they
12 were waiting an hour, but they were waiting a little bit
13 of time till the meeting or IEP meeting, whatever it was
14 that I was at, had to conclude.

15 And then I called them back to my office,
16 and I was with one of my School Counselors at the time,
17 AnnMarie Borovik. And like we would with any parent, we
18 listened to what they had to say and that's what they were
19 upset about at that given time.

20 Q. What was their concern about this video?

21 A. I believe they thought the video was
22 disrespectful because it was posted, and it was talking
23 about, I believe, fruit that the student was allergic to.

24 And they brought up the concern, as well,
25 about the other mother being in the parking lot.

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1 Q. So they told you there was a video about
2 fruit. Did they tell you anything more about the content
3 of this video?

4 A. Not that I remember; just that I assume
5 they told it to Jared at the time or Jared was allergic
6 to the fruit.

7 So not only was the video out there but it
8 was -- I think in their mind it was directed towards them
9 because -- I don't know if he's allergic to two fruits or
10 whatever -- those happened to be the two fruits or however
11 many other fruits there were, which I don't recall, that
12 were portrayed or discussed in the video.

13 Q. Did you watch the video?

14 A. I don't believe so.

15 Q. Did you ask to see it?

16 A. I don't think so.

17 Q. What did you tell them to do about their
18 concerns about the fruit?

19 A. They, I think, said that they were going
20 to file a police report, go to the police in terms of
21 that, and they wanted me to talk to Jared.

22 Q. Jared or Jordan?

23 A. Jordan. I'm sorry.

24 Q. I do the same thing all the time, so it's
25 okay. They wanted you to talk to Jordan about the video?

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1 A. Correct.

2 Q. Did you have the opportunity to do that?

3 A. I believe, yes. And I believe he
4 explained to me it was something that was a joke because
5 I believe that that weekend maybe was the middle school
6 play. I think he was helping out at that.

7 Q. And so did you participate in the calling
8 of the police?

9 A. Yeah. Mrs. Borovik and I called the
10 police, as is -- you know, we talked earlier about things
11 that you do.

12 And we have a really good relationship
13 with Central Berks Police Department, and we just liked to
14 tell them, you know, hey, if a family is going to call in,
15 or do whatever the situation may be, to kind of give them
16 the courtesy or give them the heads-up just like we would
17 expect that in our professions; that if something's going
18 on and someone's aware of it that they would give you that
19 call or whatever.

20 So Mrs. Borovik and I called -- I believe
21 it was Officer Smith and spoke to him --

22 Q. So....

23 A. Just to let -- go ahead.

24 Q. I want to make sure I understand.

25 There's, I guess, two possible reasons you could have

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1 called. One was to tell them that there was a report
2 about to be made by a student and their parent. The
3 other is because you perceived a threat that you were
4 concerned about.

5 Was it one or both of these or something
6 else that caused you to call?

7 A. I just think we wanted to call them to
8 alert them.

9 Q. Alert them to what?

10 A. That this is going on, and that a parent
11 and/or student is going to be in touch with you in
12 regards to this. And the Officer took the notes and made
13 their report that we called in -- I believe it was that
14 morning. And.....

15 Q. You mentioned earlier that you take three
16 steps when you perceive a threat to another student or
17 when it's reported to you; that you call the
18 Superintendent, call the School Resource Officer and call
19 the Chief of Police.

20 Did you take each of those steps in this
21 case? Did you call the Superintendent?

22 A. I don't remember if I called Dr. Shank
23 or not about that. I think we've always operated,
24 whether it's this situation or others, that we would tell
25 Central Berks 'cause it's always -- I feel it's always

45

1 better to tell than not to tell.

2 We don't have an SRO here or Chief -- my
3 previous District did -- so that's kind of different when
4 you're working side by side with those guys.

5 Q. Fair enough. So you're not sure if you
6 called the Superintendent, may or may not have, and you
7 don't have a School Resource Officer. And rather than
8 the Police Chief, you called the police directly to let
9 them know that a report was going to be made. Is that
10 correct?

11 A. I called them to alert them of what we
12 heard in the school.

13 Q. Did you do anything to gather any other
14 evidence or statements about this or to speak with Jordan
15 about it?

16 A. Like I said, I spoke to Jordan about it.
17 But I felt if they're going to go to the police or it's
18 gonna be a police issue or not a police issue, that's for
19 the police to determine. I'm not a police officer.

20 I've always kind of taken that -- you
21 know, that's what I've done in the past.

22 Q. When did you speak with Jordan about it?
23 Do you recall?

24 A. I don't recall. No.

25 Q. Was it the same day? Was it the

46

1 following day?

2 A. I believe -- I mean, I believe it would
3 be the same day.

4 Q. Do you know if you spoke with him before
5 or after calling the police?

6 A. I don't remember.

7 Q. Have you seen that video as of today?

8 The Snapchat fruit video, have you ever seen it?

9 A. I don't remember. I think maybe at one
10 point -- I don't know.

11 Q. I'm going to play it for you now, and
12 then I'll ask you some questions about it at the end.

13 I'm going to turn this around so that your Counsel can
14 see it. Just give me one second.

15 (Video was shown.)

16 BY MR. READY:

17 Q. Do you recall ever seeing that video
18 before?

19 A. I don't.

20 Q. It's memorable enough that you probably
21 would remember it; right?

22 A. Yes.

23 Q. Do you perceive any threat in that video
24 toward Jared Mazeika or any other individual?

25 A. I don't know. I wouldn't make a video

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1 like that so I don't know what they were trying to get
2 at.

3 I was in high school a couple of years ago
4 so I don't know -- I don't know. If I was -- if -- I
5 don't know. If my son -- I don't know.

6 Q. Seeing this video here today, do you
7 think this video was a threat towards Jared Mazeika?

8 A. I don't know that. What I can tell you
9 for sure, though, you know -- I have two sons -- if my
10 son was allergic to everything on that video I would have
11 a concern, or had a food allergy or whatever the
12 situation may be I, as a parent, would absolutely have a
13 concern. I can tell you that.

14 Q. Again, you were a Principal, are an
15 Assistant Principal?

16 A. Correct.

17 Q. You deal with students who have hurt
18 feelings, disagreements all the time; right?

19 A. Yeah, sure.

20 Q. Social media, I think, has probably
21 exploded this problem for you, I'd imagine?

22 A. Yeah, sure.

23 Q. I'm just kind of wondering, if you can
24 help me understand, like a student shoots a video with a
25 Snickers in it, is that a threat against all the kids who

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1 have peanut allergies?

2 A. I would say --

3 MS. O'DONNELL: I object to the form
4 because it calls for speculation. It's so farfetched and
5 it's so overly broad I don't know how anybody could
6 testify under oath whether it is or not. It's totally
7 unfair.

8 BY MR. READY:

9 Q. And the objection is noted, but what do
10 you think? You're a disciplinarian, you're a Principal,
11 you deal with these issues. If a kid comes to you with a
12 video and shows that at some point in this video there's
13 a Snickers bar, is that a threat towards kids with peanut
14 allergies?

15 A. I can tell you that if two students are
16 having a conflict for whatever the reason, play, sports,
17 they have a friend who's not their friend anymore and
18 there's a conflict between two people and there's a video
19 made about Snickers -- just like you and I, if we're
20 friends and there's something that happens between us and
21 you're allergic to Snickers, and I'm on whatever social
22 media outlet and I have a Snicker bar in my hand and I
23 post a random video about that, you may or may not take
24 offense to that.

25 And then if something happened with us

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1 yesterday as friends and then you see that today, right
2 now, you might act differently when -- if we were friends
3 and I would post that, I don't know if you would take
4 offense to that or not take offense to that or why did you
5 post that or what was that about or ask me about it or not
6 ask me about it, I don't know.

7 But I think when there's -- generally when
8 there's a disagreement or a rift between specific students
9 or a group of students or whomever, those things become
10 magnified and you start looking at them maybe a little bit
11 differently than you would if you would not.

12 Q. Having seen the video, do you think it
13 was appropriate, in hindsight, to call the police over
14 this video?

15 A. I called the police to let them know and
16 give them the heads-up and the foresight that something
17 was coming their way because my --

18 MS. O'DONNELL: It's okay. Because -- go
19 ahead.

20 THE WITNESS: That's my job. I mean, I
21 have a student and I have a parent who's upset, and that's
22 what your job is as a Principal. I have somebody in my
23 office who's upset and angry; I need to take those steps.

24 BY MR. READY:

25 Q. How often did you call the police as

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1 Principal of Oley Valley School District in response to a
2 parent or student concern?

3 A. I don't know that. I don't know that
4 number.

5 Q. Can you give me an idea? Did it happen
6 once a month?

7 A. I don't know. I don't know.

8 Q. It wasn't only this time; right?

9 A. Like I said, Central Berks Police
10 Department, we had a very good working relationship.
11 They helped us out a lot. We had a Detective who
12 provided professional development for our teachers here.
13 They would routinely stop by.

14 Q. What I'm asking you is, how many times
15 did you call the police about a threat or concern like
16 this?

17 A. I don't have that number.

18 Q. It was more than just that one time?

19 A. I assume. I don't have the number.

20 Q. But you don't remember ever calling the
21 police on any other occasion? I mean, surely you
22 remember some other occasion where someone came in and
23 said, I feel threatened or there's a video on Snapchat or
24 whatever that you called the police, or am I incorrect?
25 You tell me.

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1 A. I don't know. Like I said, I've been a
2 Principal for like nine years. I've called the police a
3 lot.

4 Specifically, last year I don't know
5 because it was last year. I mean, this year we've called
6 the police a bunch of times in my role. To think back and
7 tell you a specific number from last school year or if you
8 had asked me before, I wouldn't know.

9 Q. But this was not the only time last year
10 that you called --

11 A. I called the police about things that
12 would arise at our school.

13 Q. Again, I want to just narrow it down for
14 just a second. Was there any other time, other than
15 this, last year that you called the police in response to
16 a believed threat by one student against another?

17 MS. O'DONNELL: I'm going to object.
18 Asked and answered. He's answered that same question
19 about four times now, and you keep asking him as if it's a
20 different question. I can answer that now. I know the
21 answer. We all know the answer.

22 BY MR. READY:

23 Q. And I'm asking you because I haven't
24 heard the answer, so --

25 MS. O'DONNELL: You didn't hear the answer

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1 you wanted to hear but that's the answer he's given you.

2 BY MR. READY:

3 Q. No, no, and let me be very, very clear
4 about the question. I understand you have a working
5 relationship with the Police Department. You have a
6 Detective who comes in and provides financial
7 professional development.

8 A. Yes.

9 Q. You told me that you occasionally
10 communicate with them about various things, and I
11 understand that. I understand they probably come in and
12 do random searches sometimes --

13 A. They do.

14 Q. -- or bring dogs to the lockers; right?
15 But I'm asking, specifically, if last year there was any
16 other time that you called the police specifically
17 because you believed one student had threatened another?

18 A. I don't remember.

19 MS. O'DONNELL: That was no surprise.

20 BY MR. READY:

21 Q. I mean, it is a little bit of a surprise
22 to me, Mr. Becker. And I'll be honest, because I look at
23 this video and this is about as boring and mundane as it
24 gets. We've got a kid flirting with his puppy love
25 girlfriend and somehow the police got called over this,

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1 and I'm just trying to understand what made that the
2 appropriate next disciplinary step.

3 MS. O'DONNELL: Don't answer that
4 question. That's not even a question.

5 First of all, it's not a question.

6 Secondly, he's already told you if his sons were involved
7 and they were allergic to that fruit he would absolutely
8 perceive that there may be a threat, especially if there
9 was some negative interaction that occurred between the
10 two kids.

11 You're not listening, Joel. He is
12 testifying as honestly and truthfully and completely as he
13 can, and you are not listening.

14 BY MR. READY:

15 Q. Thank you. I've got your answer. And
16 I'm asking you, you believe, as you sit here today, this
17 was a threat by Jordan against Jared?

18 A. I had a student who was upset, who
19 explained to me why they were upset. They believed that
20 Jordan's mom was in the parking lot. They came to the
21 school to report that to myself and the School Counselor.
22 They said they were gonna call the Police Department.

23 I explained I had a working relationship
24 with the police. I called them and I gave them the
25 heads-up. And from my e-mail, which I believe you have,

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1 Officer Smith was appreciative that we made that call.

2 Q. I'm looking back now at Exhibit 4, this
3 e-mail that was sent out. It says that the situation
4 escalated to the point where the police were called in
5 because a student had posted something against another
6 student.

7 Do you believe that accurately portrayed
8 what happened to the parents who received this e-mail?

9 A. I don't know who received this. I mean,
10 unfortunately, the situation has escalated to the point
11 that the student posted something against another
12 student --

13 MS. O'DONNELL: She's just typing what
14 you're saying. You have to read slower.

15 THE WITNESS: I'm going to read it to
16 myself.

17 (Witness reviewed document.)

18 THE WITNESS: Yeah. I didn't write this
19 e-mail.

20 BY MR. READY:

21 Q. I do understand that. I'm just asking
22 you, you were familiar with all the facts that gave rise
23 to this situation. You see this e-mail now, and it
24 describes everything we've just gone over for the last 15
25 minutes, and it says it escalated to the point that the

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1 student posted something against another student and the
2 police were called in.

3 And what escalated to this point is the
4 very horrible stuff, which you told me was practices not
5 starting on time and some students concerned about their
6 roles. That escalated to the point where something was
7 posted against another student and the police were called
8 in.

9 Does that accurately describe what
10 happened in this scenario?

11 A. I don't know. I know there was issues,
12 drama, from January until this date.

13 And like I said, this week, the 18th or
14 19th, that police report was made because of the
15 escalation that occurred. And instead of going away or
16 the students involved coming together as one, there was a
17 situation between the parties and it escalated to the
18 Snapchat video and everything from there.

19 Q. It says at the end: We are in jeopardy
20 of losing this program -- it's the second-to-last
21 statement there -- we are in jeopardy of losing this
22 program.

23 Were you aware of any discussions about
24 terminating the drama program at this time?

25 A. Not that I remember.

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1 Q. During your conversation with Jared the
2 day that he and his mother met with you about the
3 Snapchat video, did you have any conversation with him
4 about how he should respond to the situation?

5 A. From what I remember, I talked to him
6 about seeing a trusted adult in the school, you know, if
7 something were to be going on or there'd be drama or
8 there'd be issues to seek somebody out, just like I would
9 with any student.

10 Q. Did you tell him who he should seek out
11 or just he should find an adult that --

12 A. I always tell kids, you know, I want
13 them to have at least one trusted adult in the school,
14 somebody they feel comfortable talking to.

15 Q. Did you day attend the Oley Valley School
16 Board meeting held that evening, March 20th?

17 A. I did not, no.

18 Q. Were you aware that Jordan, Haley and
19 Vinny were going to be speaking at that School Board
20 meeting?

21 A. I had a feeling -- I mean, I don't
22 remember exactly who I knew was going to speak. I knew
23 there was a Board meeting. I knew people were going to
24 come and speak.

25 Jordan, as I think I said when we were

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1 talking about a previous question, came to see me a
2 handful of times from January, and we had a conversation
3 and I knew Jordan was not happy with things that I
4 mentioned earlier, so he had some things on his mind.

5 So Jordan and I, like I said, talked a
6 handful of times last year from January up until, you
7 know, March.

8 Q. During the time that you spoke with him
9 did you ever know Jordan to be threatening about any
10 other person? Did he ever express a threat to harm
11 another individual?

12 A. No, not that I remember. Jordan and I,
13 I think, had a nice rapport. And I felt good that
14 somebody could come and talk to me about their issues,
15 whether it's a teacher or they didn't get a role or
16 they're not the starting quarterback or whatever.

17 I pride myself on that as a Principal. I
18 want to connect with kids, and I want kids to know that
19 they can come and talk to me because I think that's
20 important.

21 Q. I guess you have a lot of that, don't
22 you, as a high school Principal, a lot of kids who don't
23 get what they wanted or didn't get a role or, as you
24 said, a startling position? That's a common thing.

25 A. Sure. They didn't get an A on a test.

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1 I mean, it's -- yeah, sure.

2 Q. After the School Board meeting that
3 night -- at the same time there was a rehearsal going on
4 for the school show. Were you aware of that?

5 A. I know now, and I knew back in March
6 that there was. I mean, I knew there was a Board meeting
7 and I did not go to the Board meeting. I didn't have to
8 go to the Board meeting, so I was home that evening with
9 my family.

10 Q. Maybe I can shortcut this a bit. Are you
11 aware of any of the events that happened at the rehearsal
12 that night, as far as the students when they returned
13 from speaking at the School Board meeting?

14 A. Am I aware of it?

15 Q. Yes.

16 A. Yeah, I'm aware of it. I was aware of
17 it the next morning when I woke up.

18 Q. How did you become aware?

19 A. I checked my e-mail, as you do in your
20 role. And you wake up and -- probably in your role,
21 you're 24/7 -- so I routinely wake up 5, 5:30 in the
22 morning, give or take, have your routine at home, check
23 your e-mail, get ready for the school day. I leave my
24 dog out, do whatever it is I gotta do around the house
25 before getting on the road coming to school.

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1 And most mornings you wake up -- because I
2 try to be on top of my e-mail and be on top of my job, I
3 take it very serious -- and I would routinely check my
4 e-mail, which might be a mistake, as they say, before you
5 go to bed, but I would do that. And with doing that and
6 sleeping for six, seven, eight hours, depending on the
7 night, you generally wake up, you don't really have too
8 much e-mail traffic the next morning.

9 But when I woke up the next morning I had
10 an e-mail and -- I don't know -- sent close to, I think,
11 11:30 at night, and it was from Dr. Shank. And she
12 explained to the group -- and I forget who was attached to
13 the e-mail to all -- but she explained about, you know,
14 what occurred, I guess, at the rehearsal or after the
15 Board meeting, and that there would be discipline issued,
16 and we would move forward tomorrow morning.

17 So when I'm reading this, it was that
18 morning, which I believe would have been the 21st of
19 March.

20 Q. I'm going to ask you to turn to what's
21 been marked Exhibit 25.

22 A. (Witness complies.)

23 Q. Is this the e-mail that you received? I
24 realize it has some notes and I'm not sure who wrote
25 these, but is this the e-mail that you received

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1 (indicating)?

2 A. (Witness reviewed document.) No, no.
3 There was another e-mail. (It was the e-mail from
4 March 20th. Like I said, 11 -- I don't know, it was
5 late -- it was 11:30, 11:45 at night, something like
6 that.

7 Q. So there was another e-mail before this
8 one that you received?

9 A. Yeah.

10 Q. Did you speak with or hear about -- let
11 me rephrase that. Did you speak with anyone or hear
12 about the rehearsal that night and the students'
13 discussion after the School Board meeting?

14 A. Can you say that again?

15 Q. Did you speak with anyone or hear about
16 the rehearsal that went along with the School Board
17 meeting?

18 A. No. Like I said, I wasn't there and
19 when I woke up I read the summary of what occurred, that
20 we had a staff member, I think, that was visibly upset --
21 I forget the word of choice that was used. That was,
22 like I said, around 5:30 in the morning or so when I read
23 that.

24 And then this e-mail down here was later
25 that morning. It looks like 7:27 from the e-mail I'm

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1 looking at right here at the bottom, as it goes from the
2 bottom up.

3 Q. At the rehearsal that night during and, I
4 believe, after the School Board meeting was over, Mrs.
5 Lyons tells us that she locked the front doors to the
6 auditorium because of concerns about the safety of Jared
7 Mazelka.

8 MS. O'DONNELL: Object to the form. Mrs.
9 Lyons told you that she locked one door. The other one
10 was already closed and locked.

11 BY MR. READY:

12 Q. So she locked the second and only
13 remaining open door, I guess, to the front of the
14 auditorium in response to these safety concerns. Were
15 you aware of that?

16 A. I wasn't here. I was at home.

17 Q. As I'm sure you're aware now, there was a
18 conversation between Jordan Eck, Mrs. Lyons, Ms.
19 Hartenstine and Ms. Jones, Maria Jones, in the hallway
20 after the rehearsal. Are you aware of that?

21 A. Yeah. What I should add is, you know,
22 on top of the late night e-mail that I got from Dr. Shank
23 that I believe -- I don't know if it was late night or
24 early morning that we had the statement from Mrs.
25 Hartenstine or her letter. It was a letter which I

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1 submitted that I had in my records, but it was a letter
2 that was dated, and she talked about the incident, in her
3 words, and put her name at the bottom.

4 Q. I believe that is Exhibit 1, if you'll
5 turn there with me for a moment.

6 A. Sure.

7 (Witness compiles.)

8 Yeah, right here, yeah.

9 Q. So this is the letter that you received;
10 correct?

11 A. Yeah, correct.

12 Q. When did you first see this?

13 A. I don't have that exact time because
14 from my records I had this. As I was reviewing them, I
15 didn't have like the e-mail that was attached to it, so I
16 don't know the exact time.

17 Q. Looking at the statement near the bottom
18 of the second paragraph, it begins Mrs. Lyons asked
19 Jordan. Do you see that sentence?

20 A. Yes.

21 Q. Mrs. Lyons asked Jordan if he was
22 accusing me of lying. He vocalized that he still did not
23 believe me, making me feel like he was calling me a liar
24 about a situation which he knows nothing about that
25 happened ten years ago. I felt threatened and

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1 disrespected.

2 Did I read that accurately?

3 A. Yes.

4 Q. Is a teacher feeling threatened and
5 disrespected a reason for suspension?

6 A. I think you look into the situation and
7 then if someone feels threatened, as a staff member, or
8 disrespected, sure, it's a suspendable offense.

9 Q. What if you find that objectively what
10 was said should not have made someone feel that way?

11 MS. O'DONNELL: Object to the form.
12 That's impossible to answer.

13 BY MR. READY:

14 Q. Do you do any objective analysis on the
15 actual statement to decide if it was offensive or merely
16 if it was subjectively felt as offensive?

17 A. You talk to the staff member, you hear
18 their side of the story, and you go from there.

19 Q. You go where from there? Do you talk to
20 the student, as well?

21 A. I think it all depends, you know, on the
22 exact situation.

23 Q. Do you talk to the student about their
24 side of the story?

25 A. What I can tell you is this was

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1 submitted by the teacher. And then you see Dr. Shank,
2 who was there that evening, made the decision that this
3 was a three and out, and he'll be out of the show based
4 upon his behavior.

5 That decision was made at around 7:37, and
6 then you see here we met with the parent and Jordan at
7 9:35 a.m. on the 21st.

8 These are some -- those are the notes from
9 the meeting because I believe that meeting lasted for
10 about 25 minutes, as I put in another document
11 (indicating).

12 Q. To clarify, because we have a paper
13 record, when you say these, you were signaling to the
14 handwritten notes on Exhibit -- is that 25?

15 MS. O'DONNELL: Yes.

16 BY MR. READY:

17 Q. Is that correct?

18 A. That these are the notes from the
19 meeting? Is that what you're asking?

20 Q. You were just saying these and you were
21 moving your hands. You were referring to the handwritten
22 notes on Exhibit 25?

23 A. Yeah, that occurred during our meeting
24 at 9:35 on March 21st. Correct.

25 Q. I want to direct your attention to

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1 Exhibit 10 now.

2 A. (Witness complies.)

3 Q. Do you recognize this document?

4 A. That's the Discipline Referral. Yeah.

5 Q. And this document -- is that your
6 signature at the bottom?

7 A. That is my signature.

8 Q. So you approved this, I take it, during
9 the meeting?

10 A. Yeah, I did both. I did the referral,
11 which is our practice, and took notes, as you would when
12 there's a discipline referral or a situation that you're
13 handling as an Administrator. Correct.

14 Q. It says here that he was suspended for
15 three days for bullying. Is that correct?

16 A. That's what was checked off.

17 Q. Who was being bullied?

18 A. Well, the person in this case was Abby.
19 She's the one who wrote the letter that you read to me,
20 or you read most of it, Exhibit 1.

21 Q. Let's go back to that letter for a
22 second. I'm going up to the top here. It says: At
23 approximately 10:00 p.m. Wednesday, March 20th, Jordan
24 Eck asked to speak privately with Mrs. Stacy Lyons at the
25 conclusion of rehearsal. And then Mrs. Hartenstine is

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1 speaking, and Ms. Hartenstine says: She asked that I,
2 along with Maria Jones, be there as a witness to the
3 conversation; Jordan did not object.

4 Is that correct?

5 A. That's what it says.

6 Q. So Jordan is there, and it says at the
7 bottom here he's asked a direct question of -- If he was
8 accusing Ms. Hartenstine of lying about a situation that
9 happened ten years ago.

10 Is that correct?

11 A. That's what it says.

12 Q. So it sounds like Jordan answered this
13 question, and that's the reason he was accused of
14 bullying and got suspended. Am I missing something?

15 MS. O'DONNELL: Yeah, that he was
16 disrespectful and he's threatening.

17 THE WITNESS: Yeah.

18 BY MR. READY:

19 Q. Mr. Becker, am I missing something?

20 A. I don't think you read the sentence that
21 Abby, the teacher, the staff member, wrote: I felt
22 threatened and disrespected.

23 Q. Okay. I did read that earlier. So that
24 is really the issue, that she felt threatened and
25 disrespected, and that's why he got suspended?

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1 A. Yeah. She felt threatened and
2 disrespected by Jordan's actions on that evening.

3 Q. Do you know what it was that he did? It
4 doesn't say here, so what is it that he did that made her
5 feel threatened and disrespected?

6 A. I don't have that information here. I
7 know --

8 Q. It seems like important information,
9 doesn't it? I mean --

10 A. Dr. Shank, in her e-mail earlier that
11 night, had some information, as well, in regards to this
12 incident.

13 MS. O'DONNELL: Exhibit 24. I guess he
14 doesn't want to show it to you.

15 THE WITNESS: Yeah. I wanna be clear --

16 BY MR. READY:

17 Q. Your Counsel wants to look at Exhibit 24,
18 so let's go there. It looks like this is the original
19 e-mail from that night you referred to.

20 A. Correct. 11:39 and that's what I was
21 referring to. Yeah.

22 Q. So what in here helps to explain the
23 suspension?

24 A. (Witness reviewed document.)

25 When the Superintendent of Schools, who's

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1 the Superintendent, writes: He then verbally accosted the
2 Assistant Director and accused her of lying and not
3 speaking up and then closed with -- so on and so forth.

4 You know, the teacher was visible --
5 upset, crying and felt threatened by him. The teacher
6 used the words verbally attacked. That was some
7 additional information on top of the letter that was
8 written by the teacher.

9 Q. So the allegation here is that he
10 verbally accosted the Assistant Director and that he
11 accused her of lying, which -- as we saw was in response
12 to a direct question -- and allegedly that he also said,
13 this is not over, I'll be getting more people to come
14 forward. Is that correct?

15 A. Yeah. I don't know how to answer your
16 question. What I do know is that you have a certified
17 teacher who writes in a letter that she felt threatened
18 and disrespected.

19 Q. And that triggers a three-day suspension?

20 A. You have the Superintendent, who was
21 there that night and wrote her e-mail. And when the
22 Superintendent, who is the Superintendent of Schools,
23 writes that somebody will be out of school for three
24 days, this will be a three-day suspension, you, as the
25 high school Principal, have -- you know, I guess you have

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1 a decision to make.

2 But what I've always been taught and what
3 I believe is when your Supervisor is your Supervisor and
4 they make the decision, that's a decision. And in this
5 case, and according to my notes -- I don't even know what
6 statement that was on -- we were very clear with Jordan in
7 regards to this being a life lesson; that you can't have
8 somebody -- you can't threaten somebody or disrespect
9 somebody in the real world; it's going to cause trouble in
10 your job, in your profession, whatever the situation
11 may be. That's not behavior.

12 So if you go back to the notes from the
13 meeting that took place, that 25, 30-minute meeting, that
14 was a point that we discussed during that meeting when we
15 explained the suspension, and we explained the discipline
16 referral.

17 Q. You mentioned the threat, and I'm
18 interested in learning more because you said that she
19 felt threatened, so we've got that she subjectively felt
20 threatened.

21 What was it he said that was a threat?
22 Did he say I'm going to harm you? Did he say I'm going to
23 --

24 A. I don't know. It says staff member felt
25 threatened and disrespected. The Superintendent says

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1 this will be a three out, and he'll be out of the show
2 based on his behavioral last night after the Board
3 meeting. That was at 7:37 in the morning; the decision
4 was made.

5 Two hours later the Superintendent and
6 myself sit down with the student and his mother, and we
7 explained the situation, and that was the course of that
8 25-minute meeting that took place.

9 And from my recollection, that meeting was
10 very calm. I've been in meetings where I've had to stop
11 them, I've had to get security, whatever the case may be.
12 This meeting we went through the referral. You see the
13 notes that I wrote here. We went through those things.
14 We had a conversation and that was it.

15 Q. You called Jordan down that morning and
16 told him that he could bring his mother to that meeting;
17 correct?

18 A. Correct, because my e-mail from a couple
19 days before that spoke about how mom wanted to be
20 present, so we were honoring the mother's request. So I
21 believe Mrs. Snyder actually called Jordan down for us,
22 who's our Attendance Secretary there when you walk in the
23 building.

24 Q. By the time you had this meeting the
25 decision to suspend had already been made; correct?

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1 A. Correct.

2 Q. Was there anything that Jordan or his
3 mother could have said at that meeting that would have
4 changed your mind about the suspension?

5 A. Not that I believe.

6 Q. In these documents, both Exhibit 1 and --
7 specifically Exhibit 1, I think, is the clearest example.
8 It says that Jordan asked to speak privately with Mrs.
9 Lyons.

10 Do you think that changes the tenor of
11 this conversation? That it wasn't in front of other
12 people, that he was trying to address her privately about
13 his concerns?

14 A. I don't know. I wasn't there. I'm not
15 Jordan. I don't know.

16 Q. But as an educator who deals with
17 discipline issues, you see a difference, you said, in
18 whether something's on social media, right, versus
19 whether it's in a classroom, whether it's going to cause
20 disruption in the school or not.

21 So him asking to speak privately with Mrs.
22 Lyons, doesn't that make it a different situation than him
23 standing up in class and saying a teacher is dishonest.

24 A. I don't know.

25 Q. You don't think that makes an effect,

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1 really, on whether the discipline was appropriate here or
2 not?

3 A. I don't know.

4 Q. Jordan Eck's suspension was a Tier 3
5 suspension. Is that correct?

6 A. I think the terminology was Level 3 from
7 our handbook.

8 Q. Okay. I'm going to direct your attention
9 to Exhibit 30.

10 A. Okay.
11 (Witness complies.)

12 Q. This is a document we received from your
13 Counsel in discovery. This is a part of the student
14 handbook, and I'm going to specifically take you to what
15 is the third page here of this document -- actually, I'm
16 sorry, the second page. It is OVSD 849 on the bottom
17 right-hand corner.

18 A. Got it.

19 Q. It says: Level 3 -- and I'm going to
20 read this for us -- Includes offenses against persons or
21 property or offenses whose consequences may endanger the
22 health, safety or welfare of self or others in the
23 school. Level 3 offenses may result in the notification
24 of law enforcement agencies, seriousness of the violation
25 may require initiation of discipline at a higher level,

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1 as deemed appropriate by the Administration.

2 The infractions under this list --

3 MS. O'DONNELL: Now wait, you forgot a
4 sentence.

5 MR. READY: I'm sorry?

6 MS. O'DONNELL: You forgot a sentence.

7 BY MR. READY:

8 Q. Disciplinary options are examples of
9 alternatives and should not be interpreted as an
10 all-inclusive sequential list.

11 The list of infractions is the following:

12 Continuation of unmodified Level 2 misbehavior; hazing;
13 obscene and/or threatening calls or messages; possession
14 of fireworks, smoke bombs, et cetera; smoking and/or
15 violation of tobacco policy; student to student
16 assault/battery or physical attack (no injury occurred -
17 intent to harm); tampering with fire extinguisher or other
18 emergency equipment; petty theft over \$200; sexual
19 misconduct of any nature; threatening another student
20 (verbal, written or inciting); vandalism (major);
21 gambling.

22 Can you tell me where in Level 3 this
23 offense falls?

24 MS. O'DONNELL: Object to the form.

25 THE WITNESS: I can tell you the sentence,

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1 I think, that you forgot to read about. Disciplinary
2 options are examples of alternatives and should not be
3 interpreted as an all-inclusive sequential list. It's
4 listed there at Level 3.

5 And also, if you look at the Level 2, you
6 can see that disciplinary options -- there's suspension
7 that is listed there for disruptive behavior in the areas
8 that are mentioned there at Level 2.

9 BY MR. READY:

10 Q. And I didn't forget to read it because
11 that --

12 A. No problem.

13 Q. -- disciplinary options really is
14 referring to the next section, which I didn't read. So
15 we can read the rest of disciplinary options --
16 Disciplinary Options: Any appropriate disciplinary
17 option from -- I guess it should be preceding groups --
18 suspension, possible expulsion, referral to law
19 enforcement agency and/or District Justice.

20 So those are not your only disciplinary
21 options, but this list appears to be inclusive of the
22 potential infractions that would cause a Level 3. And
23 maybe not -- we can discuss that in a moment -- but my
24 question is, where on this list is what Jordan did? And
25 if it's not on this list, why did we choose Level 3?

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1 A. I don't know why Level 3 was chosen.
2 But, like I said, Level 2 is a suspendable -- there are
3 offenses listed there that are suspendable.

4 Q. And it's your position that this should
5 have been then a Level 2 infraction?

6 A. I don't know if it would have been a
7 Level 2 or a level whatever.

8 Generally speaking, and the way that I was
9 brought up, is that disrespect and defiance are
10 suspendable offenses. And you look at Level 3; it says
11 continuation of Level 2 misbehavior --

12 Q. And Jordan had been cited for Level 2
13 misbehavior in the past?

14 A. I don't know. I don't have those
15 records in front of me.

16 Q. So looking at the Level 2 infractions
17 then -- and I'll read these -- I'll read all of them so
18 there's no concerns or questions about that.

19 Continuation of unmodified Level 1
20 misbehavior; cyber bullying; cutting class, study hall,
21 activity period; cutting school and/or cutting more than
22 one class; disruptive behavior at social functions,
23 athletic contests or co-curricular/extracurricular
24 activities; disruptive behavior on school property, the
25 properties bordering the school, on the school bus or at a

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1 bus stop; failure to identify oneself correctly; fighting;
2 harassment or bullying of other persons; horseplay or
3 pushing (no harm intended or inflicted); in an
4 unauthorized area; inappropriate use of electronic
5 devices; insubordination; lying; theft (minor - under
6 \$200); or vandalism (minor).

7 Did he commit one of those?

8 A. We said bullying on the referral.

9 Q. How do you understand bullying?

10 A. It's a repeated offense, repeated
11 disrespect towards another individual.

12 Q. What repeated disrespect brought about a
13 charge of bullying here?

14 A. I'm just guessing the -- the
15 conversations that he had with Mrs. Hartenstine.

16 Q. So telling Ms. Hartenstine that he didn't
17 believe a story she told to the students about something
18 that happened to her, that he didn't believe that that
19 was accurate, that is bullying?

20 MS. O'DONNELL: 24.

21 THE WITNESS: Where's the referral, I
22 should say?

23 BY MR. READY:

24 Q. Exhibit 10.

25 A. Yeah. If you look at the e-mail, what

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1 It says on the e-mail at the top, teacher is visibly
2 upset, crying, felt threatened, the teacher used the
3 words verbally attacked.

4 And then the referral you could check --
5 it's been awhile since I looked at this referral.

6 Q. Let me see if I can help you.

7 MS. O'DONNELL: Wait, he's not finished
8 answering the question. You don't have to help him. He
9 can -- he's a big boy.

10 (Witness reviewed document.)

11 THE WITNESS: I'm just looking at this.
12 Disrespect, insubordination could have been checked.

13 BY MR. READY:

14 Q. You might want to look at Exhibit 11, as
15 well, because it appears to be a very similar copy of
16 this and maybe -- and that was one of my next
17 questions -- maybe you can explain it to me. There
18 appear to be two same copies, same date, your signature
19 at the bottom, if I'm not mistaken, so maybe the notes on
20 that one will help you.

21 A. In terms of why?

22 MS. O'DONNELL: (Indicating.) It's got
23 the same thing.

24 THE WITNESS: So I don't know. So the
25 same referral --

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1 MS. O'DONNELL: Different

2 THE WITNESS: Right, different problem,
3 behavior.

4 Yeah, I don't remember exactly, but
5 sometimes somebody in the office -- they would have
6 referrals that would go missing, and they would ask for --

7 MS. O'DONNELL: Go ahead. What's the
8 question? I'm sorry. What's the question? Could you
9 read the question back, please?

10 BY MR. READY:

11 Q. I'm asking you -- I'm just trying to
12 understand. We've got this policy back here that says,
13 you know, these Level 3 infractions are a big deal. They
14 happen when there's like fireworks and smoking and bombs.

15 Basically what happened here is a kid told
16 a teacher, when asked a direct question, something that
17 she didn't want to hear, and it's now on the level of
18 sexual misconduct of any nature and vandalism (major).

19 And I think you've given your answer, but
20 I'm just kind of making sure I'm not missing something
21 here that happened that contributed to this decision.

22 A. Generally speaking, you can be suspended
23 if you're disrespectful, defiant towards a teacher or
24 towards other students.

25 And, like you said, yeah, Level 3 mentions

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1 fireworks, and I believe you said gambling. I mean,
2 there's a whole array of discipline and consequences and
3 actions that are listed in the handbook.

4 Q. Okay.

5 A. But just because it's not those higher
6 offenses doesn't mean that it would mean that it's a
7 detention or whatever a lesser consequence would be.

8 Q. So you're saying that his words to Ms.
9 Hartenstine that night were of a seriousness that puts it
10 on a Level 3 offense?

11 A. I'm saying that, yes, when the teacher
12 writes that they felt threatened and disrespected.

13 But, again, Dr. Shank, as you see in the
14 e-mails, she made the decision, in terms of the
15 suspension, and she had -- she was there that evening and
16 spoke to the teacher from the exhibit -- I think you said
17 it was 24.

18 And when -- you know, whether I'm in a
19 role now that my Principal makes a decision or I'm a high
20 school Principal or middle school Principal, whatever, and
21 the Superintendent makes a decision, I'm the type of
22 person that -- you know, I'm going to be with them in that
23 sense; that they're my boss; that's the way that I was
24 brought up; that a decision like that is made -- this
25 wasn't a decision that someone walked in the office and

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1 said something and someone said, okay, you said this,
2 you're out of here for three days. This was -- there was
3 more to that as we went through.

4 Q. I want to move on here to the question of
5 who made the decision to suspend Haley Hartline?

6 A. I believe that was Dr. Shank, as well.
7 When she stood up and she left the meeting, yelled I
8 quit. She made a loud exit from the auditorium when we
9 were trying to get everybody together.

10 Q. You're referring to Exhibit 3 as you say
11 that. Is that right?

12 A. I think that's -- yes, 3.

13 Q. And that's the Haley Hartline suspension
14 notice. So that was a decision that Dr. Shank made as a
15 result of that meeting with the student body on
16 March 21st?

17 A. When she stood up and she said what she
18 said in front of everybody as we were trying to reconvene
19 and get the group together.

20 Q. You told Haley that she could go home for
21 the day, but you did not tell her she was suspended?

22 A. Yeah, correct, correct. She was in the
23 auditorium where everything happened. I was alerted that
24 Haley, who had a connection with Mrs. Borovik, was with
25 the School Counselor.

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1 Q. Mrs. Borovik, I'm sorry, she's the School
2 Counselor?

3 A. Correct. She was with her, she was
4 angry.

5 Q. And you were in the auditorium for this
6 March 21st cast meeting; correct?

7 A. Correct.

8 Q. Did you address the group at that time?

9 A. I think I said a couple words. I think
10 Dr. Shank took the lead.

11 Q. Do you remember what you said?

12 A. I don't, specifically, no.

13 Q. Do you remember -- I'm going to direct
14 your -- you were about to tell us you heard that Ms.
15 Borovik was meeting with Haley --

16 A. I mean, if you ask -- I'm sure you're
17 going to ask a couple of questions so I don't wanna --

18 Q. Sure. So you went up there, Haley was
19 upset, and you spoke with her. Is that right?

20 A. Haley was with Mrs. Borovik, who she had
21 a relationship with, and I understand was upset. And I
22 was under the impression that she found out that not only
23 did she quit the play at that point, which is probably
24 very emotional for a student, but that she was, you know,
25 going to be suspended the next school day, on that -- I

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1 think that was a Friday because that was a Thursday, if I
2 remember correctly.

3 So at the point in time -- we have a
4 monthly meeting for the Berks County Principals, the high
5 school Principals. We get together, we collaborate, we
6 get together. That's held at Alvernia.

7 And we actually had the meeting during
8 Lynx period, which is kind of -- I guess a good way to
9 describe it would be like the middle of the day because it
10 goes the middle of the day and last year, at least, it
11 went into the last period of the day; it flip-flopped.

12 So when the meeting ended with Jordan's
13 mother and himself at the middle of the day, Lynx was
14 actually the middle of the day, I had a little bit of time
15 because I was asked to go to the monthly meetings for the
16 Berks County Principals. So that was in March, the March
17 meeting, which was on a Thursday.

18 So I knew that Haley was with the School
19 Counselor, upset, so on and so forth, but I'm gonna say
20 that if the meeting started at 12, it was probably around
21 11:30. I had to report to Alvernia. I had to be there by
22 12 o'clock. I got in my car and reported to where I
23 needed to report to at that time.

24 Q. So --

25 MS. O'DONNELL: He's not finished.

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1 THE WITNESS: Then I was driving, and I
2 remember it was pouring down rain, and you're already
3 feeling like, wow, how am I going to get to this place on
4 time, and you don't want to be late and all of that.

5 And then I got a text from AnnMarie around
6 -- about five minutes or so after I left the school. I
7 was close to the Oley Valley Vet -- which I don't know if
8 you're familiar with the area but the Oley Valley Vet
9 Clinic down here -- and I got the word that Dr. Shank
10 asked me to turn back around and talk to -- come back and
11 talk to Haley. That was from AnnMarie.

12 So I turned around and spoke to Haley in
13 my office when AnnMarie brought her up.

14 BY MR. READY:

15 Q. And at that point you were supposed to
16 come back and suspend her?

17 A. I don't know if they wanted me to
18 exactly say that or just come back and talk to her and
19 make sure she was okay, calm her down. I mean, just --
20 I was directed to come back.

21 Q. You told me that Dr. Shank is the one who
22 decided that she be suspended after the outburst. Is
23 that correct?

24 A. Right, after the outburst of -- in the
25 auditorium.

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1 Q. So was it at that point that you were
2 informed that's what she wanted you to do?
3 A. Who informed me?
4 Q. When did Dr. Shank tell you to suspend
5 Haley?
6 A. She was standing in the auditorium.
7 Q. So you turned back around to come back
8 and meet with Ms. Borovik and --
9 A. In between, like I explained, in the
10 auditorium I got word from AnnMarie that Haley was with
11 her and upset, but I knew they had a previous connection,
12 as kids do with their School Counselors or whomever.
13 And from the time that was going on and we
14 cleared the auditorium out and I went back to my office,
15 did whatever it is that I needed to do, got my belongings
16 and got in my car, there was plenty of time between those
17 instances. It wasn't like I got word that she was with
18 AnnMarie, and I ran out the door. It wasn't anything like
19 that.
20 Q. I understand. So you went up to meet
21 with her. During that conversation you told her she
22 could go home, but you didn't tell her she was suspended?
23 A. Correct.
24 Q. I understand you feel that you should
25 have been more clear about that?

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1 A. I should have been more clear. I told
2 her mother on the phone. I told Haley when I was in -- I
3 visited her in Mr. Daysher's class when she came back to
4 school earlier that week to try to, you know, repair the
5 relationship and have a face-to-face conversation with
6 her. Correct.
7 Q. I want to turn your attention to Exhibit
8 27. And actually it's the second page here that's marked
9 OVSD 911.
10 A. Yes.
11 Q. Up at the top, this appears to be an
12 e-mail from your account and it says -- regarding Haley's
13 mother: The original request was to meet with all three
14 of us, referring to you, Dr. Shank and Stacy. Now my
15 impression is that she -- mom -- wants to meet with you
16 or you and I. However, the conversation did not give me
17 the feeling whatsoever a meeting would be cordial and
18 helpful.
19 Do you recall this conversation that you
20 related here that you had with Ms. Hartline?
21 A. Yes.
22 Q. Do you recall why you felt that a meeting
23 would not be helpful?
24 A. When someone is on the phone yelling and
25 screaming at you and are upset, you know it's not going

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1 to be productive. She made a comment when I said
2 something about when is she available -- and I included
3 notes; I was looking over them somewhere -- but she said
4 something like it doesn't matter, it can be early or it
5 can be 10 o'clock at -- like a late hour. I forget if it
6 was 10 o'clock at night or what. Basically, saying she
7 was available.
8 Q. Okay.
9 A. But then she made a comment at one of
10 the phone conversations -- 'cause there was two or three
11 times she would call in -- and she made a comment about
12 -- something like I'm coming to school, but you might not
13 want me to come to school; made a comment like that that,
14 in my experience, you know that things aren't going to
15 end well.
16 You can call people in -- if you're upset
17 I can tell you to come in right now, but I know that's
18 probably not going to be productive.
19 When if you wait till tomorrow and we have
20 a meeting, we can sit down, we can be cordial, we can
21 agree to disagree, but we can have a meeting that's
22 actually going to be productive.
23 Q. What did she want to meet with you about?
24 A. She was upset -- and, again, I don't
25 know if you have my notes -- but she was upset about a

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1 couple things, from recollection. But if you have that
2 in here, I'd be more than happy to walk you through it.
3 Q. Candidly, I'm not sure whether I have
4 those in here or not, but you can just tell, from the
5 best of your ability. I understand there may be notes,
6 but what do you recall?
7 A. I looked back last night, you know, that
8 she called Mrs. Lyons -- a pet weasel, I believe, was the
9 thing she mentioned on the phone.
10 She was upset that Dr. Shank and Mrs.
11 Cambria spoke to her student -- her daughter about --
12 everything was according to her -- something about we can
13 talk tomorrow, Stacy Lyons lies about parents, records
14 need to be straight, discussed the Board meeting.
15 She said basically take the suspension
16 away and I will go away; this is bullying my daughter; can
17 my daughter just graduate now, she brought up.
18 She talked about -- from people bullying
19 my daughter to special education paperwork. She was upset
20 about some special education document and something about
21 -- she referred to something with Mrs. Cambria, a
22 conversation about eating or an eating disorder, something
23 along those lines. She was upset about that.
24 It was kinda all over the place, the
25 conversation.

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1 Q. You understand that Haley and -- not just
2 Haley, all -- particularly Haley and Jordan and, to some
3 extent all three, will always have to answer yes if
4 asked, have you ever been disciplined in an academic
5 setting?

6 A. Sure, right.

7 Q. So Ms. Hartline was asking you -- you
8 never met with her after the suspension of Haley
9 Hartline, did you, in person?

10 A. No. I talked to her on the telephone
11 the day after or the day we had the Alvernia Principal
12 meeting. So when the Principal meeting concluded on that
13 day I called her and spoke to her that day, as I would
14 with any other parent, on that Thursday.

15 And then she called the school and called
16 me -- I forget whatever it was -- two or three times.

17 Q. You've referenced the incident in which
18 Haley -- do you need a minute to look at anything?

19 A. No.

20 MS. O'DONNELL: Well, maybe. Exhibit 26.

21 THE WITNESS: This one (indicating)?

22 MS. O'DONNELL: Yeah, because if you look
23 on the second page of the exhibit -- yes, the second page,
24 that's where you're -- that's 26.

25 THE WITNESS: 908?

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1 MS. O'DONNELL: Yeah.

2 THE WITNESS: Yeah, that's what I was
3 referring to. So I talked to her around 7:10 in the
4 morning; it was over ten minutes. I wanted to update to
5 everybody that day that I spoke with her.

6 She was bothered about the suspension and
7 the wording that I used last week. But then the
8 conversation went quickly in asking for a meeting with the
9 two of you. Throughout the phone call, mom and her
10 emotions were calm; she was loud and she was crying. She
11 used the word staff bullying about the play, cast meeting
12 last week.

13 She was saying how, you know, when Dr.
14 Shank was speaking she felt she was looking directly at
15 Haley, not the group. And she spoke about the recent food
16 conversation with another student and not getting parent
17 notification.

18 She brought up something about the Board
19 meeting. I believe, from memory, it was a speaker and how
20 they were affected two years after leaving high school
21 with that situation, and that's what I was referring to.
22 She's available any time to meet, but she may need to be
23 calmed down during our meeting.

24 BY MR. READY:

25 Q. And that was your assessment, that she

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1 may need to be calmed down?

2 A. I think she used those words. And
3 that's what I -- in my experience in dealing with parents
4 who get upset and parents who I've been able to calm down
5 or parents I've been able to talk to, I know we need to
6 make meetings meaningful, and at that point in time I did
7 not have a good feeling.

8 I mentioned this but, as you see,
9 mentioned student was one of Mrs. Lyons -- felt she was
10 calling a pet weasel to the student, not Mrs. Lyons, so
11 I'll clarify that.

12 Q. You never met with Ms. Hartline after the
13 suspension then in person?

14 A. Correct.

15 Q. You mentioned this incident that involved
16 Jordan being referred for keeping Haley from eating.

17 A. I don't know. I know mom was going off
18 about it, and she was upset about it.

19 Q. So you were not previously informed of an
20 accusation that Mrs. Lyons passed on from another
21 individual, as a mandatory reporter, that Jordan was
22 keeping Haley from eating; you were not informed of that?

23 A. I don't believe at the time I was
24 informed.

25 I know reports happen all the time, you

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1 know, that people have to report and there's other people
2 that look into it, similar to what I said about the
3 police.

4 Q. So you were not involved at all in that
5 report?

6 A. I don't believe so.

7 Q. I want to ask you about the after party.
8 Did you hear a report from the after party about Jared
9 Mazeika's speech?

10 A. I did after the fact. Yeah.

11 Q. Who informed you about that?

12 A. I don't remember exactly who brought
13 that up.

14 Q. Did you hear that he had used profanity
15 in reference to the three Plaintiffs in this case?

16 A. I forget exactly what he did. I
17 remember I was brought up about that and then something
18 maybe along the lines of what Jared wrote in the --

19 Q. In the program?

20 A. -- in the program.

21 Q. Did you speak with Jared about any of
22 this?

23 A. I don't remember.

24 Q. Did anyone report to you that Jordan
25 [sic] also said if anyone comes for Mrs. Lyons, you'll to

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1 have deal with me?
 2 A. Say that again.
 3 Q. If anyone comes for Mrs. Lyons, you'll
 4 have to deal with me.
 5 A. And who said that? Jordan said that?
 6 Q. Jared. I'm sorry if I said Jordan. I'll
 7 do it again. Were you aware that Jared said that?
 8 A. I don't remember.
 9 Q. Did you do any further investigation on
 10 that matter?
 11 A. No, not that I remember. I mean, I
 12 think that whatever -- the play happened and they had
 13 their cast party, and that was the end of the chapter in
 14 terms of where I was going.
 15 You know, my future conversations, if I
 16 was going to remain in my role, would have been with Dr.
 17 Shank in terms of next steps and in terms of what we do
 18 moving forward for 19/20 and the play.
 19 Because those things, from my
 20 understanding, occurred, but if they occurred on a
 21 Saturday night and we learned of it whenever -- it was
 22 after the fact -- we couldn't go back in time and take
 23 those comments away from whatever was said at a cast party
 24 or whatever the situation was.
 25 Q. So that same day, I guess, after

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1 everybody slept, the cast party went late, they came back
 2 for a set strike, and at that time Vinny Ferrizzi was
 3 told to go home, removed from the school.
 4 Were you aware of that decision before it
 5 was made?
 6 A. Yeah. There was a group text.
 7 Q. Who was on that group text?
 8 A. It was Stacy and Dr. Shank and I.
 9 Q. And what was discussed?
 10 A. I was out to breakfast with my family, I
 11 remember, and had my phone and a text came, Stacy asking
 12 for some sort of guidance with set strike and whatnot in
 13 terms of Vinny. And then Dr. Shank responded and said
 14 what she said.
 15 Q. What was that?
 16 A. I don't have that in front of me, but
 17 something about you can send Vinny home or whatever. And
 18 I think Stacy said, okay, thank you or whatever, and that
 19 was that. That was a Sunday morning, if I remember
 20 correctly, here at the school.
 21 Q. With all of this going on, leading up to
 22 and during this kind of time of conflict, did you and
 23 Mrs. Lyons and/or Dr. Shank have any conversations about
 24 how to balance the Plaintiffs' rights to civilly disagree
 25 with Mrs. Lyons, with your other concerns about

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1 threatening or disrespectful behavior?
 2 MS. O'DONNELL: Object to the form.
 3 There's a lot built in there and you might be incorrect
 4 about whether or not students have rights to civilly
 5 disrespect, disagree.
 6 BY MR. READY:
 7 Q. And certainly, Mr. Becker, you can say
 8 that if that's your understanding.
 9 A. I don't know how to answer.
 10 Q. So let me ask it like this. Did you have
 11 any conversations with Mrs. Lyons or Dr. Becker [sic] --
 12 A. Dr. --
 13 MS. O'DONNELL: Shank.
 14 BY MR. READY:
 15 Q. I just promoted you, didn't I?
 16 A. It's confusing enough. That's fine, I'm
 17 fine.
 18 Q. Did you have any conversations with Mrs.
 19 Lyons or Dr. Shank about balancing the students' rights
 20 to civil disagreements versus disrespect or
 21 insubordination?
 22 MS. O'DONNELL: I'm going to object to the
 23 form. I don't know what you're talking about.
 24 MR. READY: Objection noted.
 25 MS. O'DONNELL: You can still answer. I

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1 have no idea.
 2 THE WITNESS: I can tell you, like I think
 3 I said to you a few minutes ago, that the play happened
 4 and, in my head, it was over. We were moving on to
 5 whatever was next with the school year.
 6 BY MR. READY:
 7 Q. But even before that time, even before
 8 the play was over and you're moving on to the next school
 9 year, as this thing was heating up was there ever a
 10 conversation about how to make sure that you guys were
 11 balancing their rights to disagree with a teacher, right,
 12 versus Insubordination?
 13 MS. O'DONNELL: Object to the form, but
 14 you can answer.
 15 THE WITNESS: I mean, Dr. Shank, like I
 16 said, put a very clear bulletin, memo to Stacy Lyons in
 17 terms of expectations for the play, which was very clear.
 18 And then as this conversation was going on
 19 about the play and Haley's mom and everything like that,
 20 Dr. Shank wrote to me -- in the exhibit that you had me
 21 point to, I believe -- here that I need you to keep
 22 running the high school and get the tasks accomplished
 23 that will be moving things forward for students.
 24 So as of April the 2nd I said, thanks,
 25 I'll continue to work hard and put our students first, I

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1 hope you have a good day.

2 Like in my mind, you know, there's a memo
3 in place. I was branded to the high school. I was a new
4 high school Administrator who never, you know, was in a
5 high school before. I never saw a play before. I never
6 was in a situation like this.

7 And, you know, we're working through the
8 situation, taking it day by day, it's a busy world, it's a
9 busy job. And I was asked to just focus on running the
10 high school, and that's what I tried to take very serious
11 from when I was here.

12 BY MR. READY:

13 Q. So I take it then there were no
14 discussions about the specific topic I'm asking about,
15 about whether you could balance students' rights to
16 disagree with their teacher versus concerns about
17 insubordination; that conversation did not occur?

18 A. Not from my understanding. I don't
19 understand where exactly you're going with that, like
20 trying to get at.

21 Q. You don't understand the question, or you
22 don't recall that conversation? I'll ask the question a
23 different way if it'll help, but I'm --

24 A. If you want to, go ahead.

25 Q. So students have a right, you said at the

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1 beginning when we were talking about this, to disagree
2 with a teacher.

3 A. Correct.

4 MS. O'DONNELL: No, he did not say that.
5 He said --

6 BY MR. READY:

7 Q. I'm sorry. Mr. Becker, do students have
8 a right to disagree with a teacher?

9 A. Students have a right to disagree with a
10 teacher or not see the things the teachers are seeing.
11 We all have that liberty.

12 Q. And I believe you said that at the
13 beginning. I'm not trying to put words in your mouth.

14 A. Yeah. I think it was the three or four
15 questions you asked me yes or no.

16 Q. Yeah. So if that's the case, were there
17 any conversations between you, Mrs. Lyons and Dr. Shank
18 or you and either one of them about how to balance that
19 right to disagree with a teacher with your concerns about
20 insubordination or making the teacher feel threatened?
21 Was there any discussion about this being a balance or
22 how to walk a fine line here?

23 A. I don't believe so, no.

24 Q. Let's turn to Exhibit 16. You just
25 mentioned it, and I do have a question or two about it.

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1 This is a memo from Dr. Shank to Mrs. Lyons. Did you
2 have any hand in the drafting of this memo?

3 A. I mean, Dr. Shank and I, we talked every
4 day in the role that we both were in. I mean, almost
5 every day we ate lunch together.

6 Q. You would say you impacted some of the
7 content of this memo?

8 A. We tried to keep each other abreast of
9 everything that was going on in the high school and, you
10 know, especially with the play and everything like that.

11 And Dr. Shank created the memo, and I
12 believe she co'd me, yeah, and Mrs. Cambria and Mrs.
13 Lyons, as you see it was addressed to.

14 Q. At the top of this memo it says -- and
15 this is Dr. Shank speaking: As a follow-up to our
16 conversations regarding the concerns expressed by several
17 students and parents/guardians throughout the Spring 2019
18 musical rehearsal season, I will be summarizing the
19 expectations in this memo.

20 I don't want to assume. So those
21 conversations -- she says our conversations -- do you
22 believe those involved you, or was that Dr. Shank and Mrs.
23 Lyons?

24 A. You'll have to ask Dr. Shank. But, like
25 I said, Dr. Shank and I spoke about the play.

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1 And as you see, one thing I know -- and I
2 didn't read this document in a couple seconds here, but
3 one thing I talked about was rehearsals, about being on
4 time, and that's No. 1.

5 Q. So that was a concern you had raised with
6 the --

7 A. Right. Then I heard, you know, from
8 students and parents, like I said earlier, and Dr. Shank
9 and I spoke about that. There it is, No. 1 in the memo.

10 Q. And you had conveyed that to Mrs. Lyons
11 previously; right?

12 A. Yeah.

13 Q. Let's go to No. 11 here on Page 2. It
14 says: Applications for the Drama Club scholarship will
15 be provided to the Superintendent and Administration for
16 their review and selection of the successful candidate.

17 Did you receive applications for the Drama
18 Club scholarship from Mrs. Lyons?

19 A. Not to my understanding and memory. I
20 was not here in -- you know, after the middle of May, so
21 I don't know --

22 Q. So, as you sit here today, you don't
23 believe you were involved in any way in the process to
24 determine who would get the Drama Club scholarship?

25 A. No. I wasn't here for the award

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1 ceremonies at the end of the year, so I -- no. I wasn't
2 here for graduation, so I don't --

3 Q. Okay. Understood. Let's look at
4 Exhibit 28. This is an e-mail from Dr. Shank to you on
5 April the 24th, and there's reference, I suppose, to this
6 civil suit: Considering this high school issue is now a
7 legal issue, with the potential for a civil lawsuit for
8 the lack of administrative action to protect the students
9 emotional well-being, and you have failed to keep me
10 informed regarding this ongoing issue, I expect your
11 written detailed reply no later than Friday, April 26,
12 2019.

13 Do you agree that you had failed to keep
14 Dr. Shank informed regarding this issue?

15 A. I don't know if I failed. I had
16 conversations with Dr. Shank a lot March and April in
17 terms of my performance and in terms of the school, in
18 terms of the high school piece.

19 I remember I received, you know, some
20 memos myself from Dr. Shank and some things she wanted me
21 to improve on as a high school Principal.

22 And it was a hard time for me --
23 especially close to Easter, I remember -- and not knowing
24 what was going to happen for me here.

25 So I remember, as I mentioned before, we

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1 had lunch together almost every day. And I received an
2 e-mail -- I believe Dr. Shank and I received an e-mail
3 from Mrs. Bertin the day before spring break, and I was in
4 the cafeteria when I received the e-mail.

5 And at that point in time Dr. Shank didn't
6 stop by the cafeteria to have lunch for a little bit of
7 time. I don't know if she wasn't really happy with my job
8 performance or, you know, there was other things going on,
9 and it was a hurtful time for me.

10 And I received this e-mail and, of course,
11 I try to be very responsive with my e-mails. And I was
12 not going to call this parent -- call this parent in the
13 cafeteria, and it wasn't appropriate to do so.

14 Fast forward to the end of the day, I
15 remember I tried to leave. I was directed I had to stay
16 till 4 o'clock every day, at least. I'm here, I'm doing
17 work. I received numerous tasks from Dr. Shank to
18 complete during that time frame -- not specifically on
19 that date, per se -- but received a bunch of tasks to
20 complete.

21 And it was getting late, and my son, who
22 has daycare, they asked politely to pick up every day
23 before 5 o'clock, and it's about 15 minutes away from
24 here.

25 So it was getting late and I'm like, you

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1 know what, I have one more thing to do, and it's to return
2 this call from this parent because this parent asked for a
3 phone call. And I got in my car and I drove the 15
4 minutes or whatever to daycare, and I called the parent
5 back as part of my duty.

6 I felt like -- I tried to be responsive as
7 a Principal, but I also felt like here's an e-mail that I
8 got; if I don't call a parent back -- I try to follow a
9 24-hour policy -- you know, hour 25 or so I didn't want to
10 be insubordinate for not doing it, so I called the parent
11 back, as I said, after a trying time and just trying to do
12 what was right.

13 And I called the parent back, and I was
14 driving and reception was spotty down 73. I don't know
15 how your cell phone service is but it's spotty, and I
16 just, you know, did that. And I got to daycare, and that
17 was the end of the phone call, right around that time
18 period.

19 And I don't have that date in front of me,
20 but it was the last day before spring break. And then
21 randomly, a week or two later, I received this e-mail on
22 April 24th asking me to provide the conversation, and
23 that's what I did before the date that I was directed to.

24 Q. So do you agree that you failed to keep
25 Dr. Shank informed regarding these issues?

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1 A. I don't think I failed. I think I just
2 didn't know. I think I was trying to do the right thing. I
3 had a parent who wanted me to give them a call. And at
4 that point in time, in April, I gave a parent a call as I
5 would --

6 Q. What were the parent's concerns?

7 A. I wrote -- I don't know if that's a part
8 of my e-mail back.

9 Q. You responded via e-mail?

10 A. Yeah, which would be the clearer picture
11 because at that point, in April, I guess when I
12 responded, it would be much clearer in my head than it
13 would be here in November.

14 Q. After the School Board meeting Jordan,
15 Vinny and Haley were each issued referrals for special
16 needs analysis, to see if they needed an IEP or other
17 help. Do you know why that was done?

18 A. There was other students, as well, from
19 my recollection. And that was a conversation that Dr.
20 Shank and Mrs. Cambria and -- I don't know if the School
21 Counselors were involved -- but the permission to
22 evaluate -- I believe that letter and that form was
23 mailed out to those people.

24 Q. Were you involved in that decision at
25 all?

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1 A. I didn't mail anything out. No.
 2 Q. Were you involved in the decision to mail
 3 anything out?
 4 A. I don't believe -- I mean, I was the
 5 high school Principal.
 6 Q. I guess what I'm asking is, the decision
 7 was made, you said, for a number of students to be
 8 assessed. Were you involved in that decision? Did you
 9 have a conversation and say these guys need permission to
 10 be evaluated?
 11 A. No, I don't believe so, and I wasn't at
 12 the meeting. So I don't know at the Board meeting what
 13 exactly occurred or who talked or who said what or who
 14 did whatever or --
 15 Q. But after that Board meeting -- so you're
 16 saying the Board meeting is why they needed these
 17 permissions to evaluate?
 18 A. I guess it was from that or, if I
 19 remember, at the Board meeting it was their behavior
 20 throughout the play or whatever was going on.
 21 Q. You were involved in that discussion as
 22 to them needing to be --
 23 A. I believe my involvement was pretty much
 24 this is what's gonna happen. The permission to evaluate
 25 is going to go out to so many people.

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1 The one name I believe that I remember
 2 hearing was Richard, who I believe her grandfather was a
 3 part of the Board, and she was -- I knew her because she
 4 was our representative for like Miss Berks County or --
 5 Q. That'd be Haley Richard?
 6 A. Correct, yeah.
 7 Q. And --
 8 A. But I didn't come to anybody and say I
 9 think this, this, this needs to happen in terms of
 10 permission to evaluate to go home which, as a Principal,
 11 sometimes you do depending on a situation or what you
 12 see, discipline, or if you're in a classroom or you talk
 13 to a School Psychologist or whatever. I've been in that
 14 before.
 15 Q. So if somebody came to you and said they
 16 needed to be evaluated --
 17 A. I don't think those words were used.
 18 They said they needed to send the form home.
 19 Q. And who made the decision to send the
 20 form --
 21 A. I don't remember who specifically said
 22 that, if it was a conversation with Dr. Shank or Mrs.
 23 Cambria, our School Counselor. It would all go through
 24 the Special Education office for something like that.
 25 Q. Are you aware of what -- I guess you're

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1 not. You're not aware of what behavior or statements or
 2 what triggered that decision?
 3 A. Just generally, I guess, whatever
 4 occurred, you know, through the observation of the play
 5 or something with the play, with the drama that took
 6 place.
 7 Q. In this lawsuit there have been requests
 8 in discovery for both of the Co-Defendants and of Jordan
 9 himself as to whether he has mental disabilities.
 10 And I'll also turn your attention to
 11 No. 6, Exhibit 6. This is a -- I believe this is a PTE
 12 form, a Permission to Evaluate. You can correct me if I'm
 13 wrong. It seems there has been a long-standing belief
 14 that Jordan has some sort of mental disability. And
 15 you'll see on Page 2, I believe it specifically says that
 16 a psychological evaluation is what they wanted.
 17 Do you know, did you ever suspect that
 18 Jordan had psychological issues that needed to be
 19 addressed?
 20 A. I'm not a school psychologist. I'm not
 21 a doctor. I don't know. That would be unfair for me to
 22 say.
 23 Q. Do you know why he was singled out so
 24 many times for this question?
 25 MS. O'DONNELL: Objection to the form.

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1 What do you mean, singled out so many times for this
 2 question? What does that mean?
 3 BY MR. READY:
 4 Q. On February 22nd someone -- maybe singled
 5 out is the wrong word -- somebody chose him for a PTE to
 6 evaluate him. Do you know why?
 7 A. You would have to ask the person that
 8 referred him or the information here provided.
 9 I know Mrs. Cambria and I spoke to Jordan
 10 at some point along February, and we tried to have a
 11 conversation with him, as I had a couple conversations
 12 with him in the past, as I alluded to, in terms of -- you
 13 know, my message to Jordan with my meeting one on one with
 14 him, whether it was once or twice, and with Mrs. Cambria
 15 was there's going to be jobs that you're gonna be the best
 16 candidate for and you're not going to get, or you're not
 17 going to be part of a relay and maybe you should be a part
 18 of the relay, but it's about what we do with what we have.
 19 And I would have those types of
 20 conversations with him to try to motivate him and try
 21 to -- I also spoke with him, and I'm familiar with the
 22 theatre in Ephrata, and I knew he was going to Philly for
 23 school. And I tried to always say like -- and I talked to
 24 him about some personal stuff that I had throughout high
 25 school, you know, my experiences with extracurricular,

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1 that you get that high school diploma and you're moving
2 on. Next year, when you're performing here or there,
3 you're gonna not be so concerned about what happened in
4 high school.

5 And those conversations occurred with
6 Jordan and I. And one of them -- you know, Mrs. Cambria
7 and I spoke with Jordan, and it was probably around
8 February -- we spoke to Jordan in her office about so --

9 Q. Okay.

10 A. But, you know, I think, too, is to
11 mention here, whether it's an initial evaluation or
12 whatever, my feeling is always whoever suspects it -- I
13 would tell parents generally that we're just trying to
14 help our students.

15 And I'm not making any determination about
16 Jordan specifically -- I'm just speaking generally -- a
17 general practice with issuing a form like this or whatever
18 the situation may be is, that's the world we live in and
19 that's the business that we're in. We're just trying to
20 help -- trying to help all students.

21 Q. I asked you a couple questions about your
22 background in the beginning. I'm going to circle back
23 and we'll end on that.

24 A. Thank you.

25 Q. How old are you?

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1 A. 35.

2 Q. You've accomplished a lot at 35.

3 A. Thank you. I appreciate that.

4 Q. How long have you been in education at
5 this point?

6 A. I was hired July of 2006. I graduated
7 college in May of 2006, and then I was hired in July.

8 Q. And that's when you became a teacher?

9 A. Teacher, correct.

10 Q. And then you taught, you said, for five
11 years?

12 A. Yep.

13 Q. And then you went into a program as an
14 Administrator. Is that right?

15 A. Yeah. I was influenced by my Principal
16 at Northwest Middle School. So you have take 24 credits
17 your first six years, so by the end of my first year I
18 took a class or two. Second year I took another class,
19 and they were kind of -- you can go any way with them
20 'cause I didn't know if I wanted to be a college coach,
21 swimming coach, or I wanted to teach and coach, this and
22 that, 'cause I was a high school coach as well.

23 And then my second year my Principal
24 continued to influence me, and I said, you know what, I
25 got a couple credits; they all are eligible to be

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1 educational leadership credits, and a Master's is 42
2 credits. And I said, I'm going to try to map this out and
3 finish by the end of my fifth year, which I did.

4 And then when I finished my fifth year of
5 teaching, there was openings in the Reading School
6 District and they immediately -- shortly after that, that
7 summer, moved me in.

8 So then in August -- when I was going back
9 to teach for my sixth year, I immediately was asked to
10 begin as an Administrator. So I made it five years as a
11 teacher and have been an Administrator since.

12 Q. So August of 2011 then, is that when you
13 became an Administrator?

14 A. I was hired 2006, 7, 8, 9, 10, so
15 correct, August of 2011.

16 Q. And since that time you've been an
17 Administrator?

18 A. That's correct.

19 Q. Is there anything -- obviously, Ms.
20 O'Donnell may have some questions for you. Is there
21 anything that I asked you that you wanted the chance to
22 expound on? Is there anything you feel that you left out
23 or wanted the chance to say at this time?

24 MS. O'DONNELL: We can follow up with some
25 questions. That's a good segue.

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1 THE WITNESS: Sure, yeah.

2 BY MS. O'DONNELL:

3 Q. I'm not sure if you testified, and I just
4 want some clarification. Did you testify that Jordan's
5 attendance at the Board meeting was one of the reasons
6 for his IEP? Did you say that?

7 A. I would -- again, without having that
8 information, so it looks like the permission was
9 February 22nd, so that wouldn't make sense because the
10 Board meeting was March.

11 Q. Correct.

12 A. Yeah.

13 Q. I'd like you to turn to Page 22 -- not
14 Page 22 -- Exhibit 22.

15 A. (Witness complies.)

16 Yeah.

17 Q. Do you recognize this as something that
18 you wrote?

19 A. Yeah. That's my e-mail.

20 Q. If you come down to the second full
21 paragraph -- well, the second full paragraph under, At
22 7:50 a.m. Do you see that?

23 A. Um-hum.

24 Q. AnnMarie, Jared, Jared's mother and I met
25 to review the incident. And she says, Safety was a big

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1 focus and take away of the meeting. Jared's mom also
2 mentioned that Jared thought Mrs. Eck was in the parking
3 lot at the dance studio last evening as they were
4 leaving.

5 A. On Pricetown Road, that dance studio,
6 yeah.

7 Q. You said something earlier about skating.

8 A. My apologies. It's a dance studio.
9 Dance studio located close to Pricetown Road.

10 Q. Is this the incident that you're making
11 reference to, though, Jared thought Mrs. Eck was --

12 A. Jared thought -- yep. Thank you for
13 clarifying with the dance studio. I'm just trying to
14 reread all this and get the information straight for
15 today to try to do the best job that I could.

16 Q. What was the point of Mrs. Eck being at
17 the dance studio?

18 A. That's what, you know, they reported;
19 that Mrs. Eck was at the dance studio, and they felt that
20 she should not have been there. And that's why I wrote
21 at the top about safety was the big focus.

22 Q. Did they say that she was stalking them?

23 A. I don't know if the word stalking was
24 used, but they -- that's basically what they were -- they
25 either said stalking or they felt like why is this lady

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1 In the parking lot with my son, this is a dangerous
2 situation.

3 Q. If you flip to the next page, OVSD 896,
4 If you come down to the last full paragraph where it says
5 at 2:59 p.m. we made that phone call, do you see that?

6 A. Yes.

7 Q. It says right above that, just to give
8 you some reference to where we are in the day, Mrs. Eck
9 called Mr. Becker's phone line around 1:30 p.m., above
10 that, right?

11 A. Correct.

12 Q. I will be calling her back with a witness
13 (AnnMarie) later today. And then at 2:59 it says, We
14 made that phone call, right? You called Tara Eck?

15 A. Yeah.

16 Q. Here's where she says, Mom asked that
17 whatever is going on, she wants to be present?

18 A. Yes. That's correct.

19 Q. And then she's really upset about him,
20 being Jordan, being questioned. Is that correct?

21 A. Correct.

22 Q. Then it says, AnnMarie and I both spoke
23 about the review of the notes above from Jordan's office
24 visit today.

25 And that was essentially what? Is that

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1 when he was suspended?

2 A. No. This was before. This was a
3 Snapchat video and this was the Police Report that took
4 place a couple days before the suspension, so March 19th.

5 Q. Underneath that it says: Social media
6 conversation occurred. Mom and Jordan has this talk
7 often.

8 Do you see that?

9 A. Yeah. So what I was just looking at
10 here to refresh my memory was, after AnnMarie and I spoke
11 to Jared and his mother. I read in my e-mail that at the
12 conclusion of the meeting, so basically after Jared and
13 his mom left, AnnMarie and I called down Jordan Eck.

14 We spoke to Jordan, and we spoke to him
15 about work release. We asked him about the recent drama
16 and incidents regarding the play. He mentioned he wanted
17 to talk to Dr. Shank and about six or seven other students
18 were planning to do that today.

19 When he mentioned -- when we mentioned Dr.
20 Shank was not available, we told him to see Deb to
21 schedule a meeting. He then spoke to AnnMarie about a
22 notebook situation yesterday that she handled with Haley,
23 and he also stated two to three times about wanting Jared
24 to get the help that he needed.

25 He also mentioned that Jared was seen on

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1 the Snapchat video showing his middle finger. He
2 mentioned an example of a dance-off that occurred at the
3 middle school production this weekend, which was the focus
4 of the Snapchat video.

5 So that's what I was referring to earlier,
6 that -- something about -- I guess the Snapchat video had
7 something to do with the middle school production, which I
8 wasn't present at, but something I guess a lot of the kids
9 helped with because of being in the high school.

10 Q. Is this the fruit video?

11 A. Looking back at this, I should have been
12 clearer, I guess. I don't know if he's talking about --
13 I guess he's talking about the fruit video because
14 Jared's would be the middle finger, and he mentioned the
15 dance-off -- I'm assuming would be the Snapchat video
16 that AnnMarie and I questioned him about.

17 Q. And then underneath that --

18 A. And we called the cops at 10:45 to
19 report -- to file an Incident Report. And Officer Smith
20 was very thankful. And then Mrs. Eck called around 1:30.

21 Q. Right.

22 A. And then what I think was going on at
23 dismissal, AnnMarie and I were in my office, and I was
24 just kinda typing this up to keep everybody informed of
25 what was going on.

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1 So then after dismissal at 2:59 we made a
2 phone call, and I just kinda kept notes in terms of what
3 that phone call was about before sending this to the
4 parties involved.

5 Q. It says: Social media conversation
6 occurred, mom and Jordan has -- I guess or have -- this
7 talk often?

8 A. Yeah.

9 Q. Do you know specifically whether it was
10 about the fruit video or something else?

11 A. I don't remember. I don't know if it
12 was in general about social media or what, but that was a
13 record that I kept.

14 And probably knowing what I was doing is
15 when the mom was on the phone, I was just typing 'cause I
16 just tend to write or, in this case, type what's being
17 said to kinda keep a record of that.

18 Q. Undemeath that it says: Jordan was
19 accused of "abuse" by the Drama Director in the past.

20 Do you know what that makes reference to?

21 A. No. I just guess she made that comment,
22 so I wrote that down.

23 Mom requested again that when he is
24 questioned a parent needs to be present. Kids are tired
25 of Stacy. Mom went on to the idea of favoring one student

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1 over the other. The conversation ended at 3:15.

2 Q. Was that a summary of or a synopsis of
3 the conversations that you had with both students, Jared
4 and Jordan, and their parents regarding this Snapchat
5 video?

6 A. Yeah, I think that's a good summary from
7 that whole day. The 19th from 7:30 -- and I was right --
8 JEP meeting together. So from 7:30 in the morning till
9 3:15, that was a summary of March 19th with Snapchat,
10 with everybody involved in that day.

11 And I wanted to keep Dr. Shank involved
12 and -- who was my boss -- and keep her involved with
13 everything that happened, just try to keep everybody in
14 the loop of what was going on.

15 MS. O'DONNELL: I have no further
16 questions.

17 BY MR. READY:

18 Q. I have just a couple follow-ups real
19 quick. You mentioned here that there was some concern
20 about a -- Jordan brought up something about a notebook
21 situation. Do you remember what he said?

22 MS. O'DONNELL: 22.

23 THE WITNESS: Thank you. No, I mean, just
24 what I wrote down here that -- with AnnMarie -- spoke to
25 AnnMarie about a notebook situation yesterday that she

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1 handled with Haley.

2 And he, at that point, was talking -- I
3 remember Mrs. Borovik in my office -- just about, you
4 know, the way, I guess, she handled that or looked into
5 that which, again, I guess she did privately in her office
6 that day before or that school day before, and he had that
7 conversation with her when I was present.

8 Q. Mrs. Lyons testified about this earlier
9 and Mr. Eck testified about it, Jordan Eck testified
10 about it. Jordan said that -- and Haley, I believe, as
11 well -- that the binder was thrown by Jared at Haley.
12 Mrs. Lyons disagreed and said that's different than what
13 Jared told her.

14 Do you remember any of what they told you
15 about that incident?

16 A. Now that you said that, I remember there
17 was the allegation that it was thrown. But as I think I
18 wrote, you know, that AnnMarie handled the notebook
19 situation, so he spoke to AnnMarie about that.

20 Q. Did you talk to Jared about that at all?

21 A. I don't know. I'm sure I did. You
22 know, I try to follow up on everything. But based upon
23 the notes that I reviewed and I submitted, I didn't
24 remember seeing anything written down, and I don't think
25 there's anything in here.

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1 Q. Did you call the police about this binder
2 incident?

3 A. I don't believe I did. I don't have a
4 record of that.

5 Q. Jordan also testified -- and this is a
6 little bit different than what you said earlier. You
7 said that you -- just now -- that you spoke to Jordan
8 that day about the Snapchat video, the fruit video and
9 whatever else.

10 Jordan said he tried to come find you that
11 day. Does that help to refresh your recollection at all?

12 A. I mean, whatever I wrote on this day is
13 what happened. I don't know if it was that day we were
14 referring to or what.

15 I know there was times where people would
16 come down, and I would be out of the building or I'd be
17 here or I'd be there, so I don't know if we're talking
18 about the same day or not.

19 I know there's plenty of times that Jordan
20 would come down, with work release or whatever, that we
21 would connect, and I would always try to make time for
22 him. And there's times that, for whatever the reason, for
23 other things going on in the building or whatever, that we
24 would have to wait till the next school day or whatever
25 because we talked to him on that day, on the 19th, so....

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1 Q. You mentioned the IEPs, and I know that
 2 we certainly looked at one IEP that was sent out on the
 3 22nd. So if you'll look at Exhibit 5 for just a second.
 4 A. (Witness complies.)
 5 Q. This is an e-mail from Dawn Cambria to
 6 Pam Luft, and there's a number of people cc'd, Dr. Shank,
 7 yourself. And it says: Pam, as a result of behaviors
 8 observed during and after the drama discussion last
 9 evening and today at DVHS, please send PTEs for ED for
 10 the following students.
 11 So, first of all, PTEs, that's permission
 12 to evaluate. Is that right?
 13 A. Correct.
 14 Q. What is ED?
 15 A. Emotional disturbance, I believe, from
 16 this e-mail is the way I would --
 17 Q. Were you involved in that decision at
 18 all?
 19 A. Like I said, I don't believe I was
 20 involved. And that day was the 21st, which was the day
 21 of the suspension; correct?
 22 Q. Yes, that's correct.
 23 A. And that was the day that I left, came
 24 back to speak to Haley, and I went to Alvernia. And I
 25 was at Alvernia roughly from 12 o'clock, 12:30 until the

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1 end of business, and I did not return to school till then
 2 the following business day. So 3:41 p.m., and that
 3 afternoon I was not here.
 4 MR. READY: Okay. All right. I have
 5 nothing further.
 6 MS. O'DONNELL: Nothing further.
 7 (Whereupon, the deposition concluded at
 8 3:00 o'clock p.m.)
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CERTIFICATE

1
 2
 3 I, Lori A. Dilks, the officer before whom
 4 the deposition of CHRISTOPHER BECKER was taken, do hereby
 5 certify that CHRISTOPHER BECKER, the witness whose
 6 testimony appears in the foregoing deposition, was duly
 7 sworn by me on November 11, 2019, and that the
 8 transcribed deposition of said witness is a true record
 9 of the testimony given by him; that the proceedings are
 10 herein recorded fully and accurately to the best of my
 11 ability; that I am neither attorney nor counsel for, nor
 12 related to any of the parties to the action in which this
 13 deposition was taken; and, further, that I am not a
 14 relative of any attorney or counsel employed by the
 15 parties hereto or financially interested in this action.

Lori Dilks

Lori A. Dilks

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORDAN ECK, HALEY	:	
HARTLINE and VINCENT	:	
FERRIZZI,	:	
Plaintiffs	:	NO. 5:19-CV-01873-MAK
vs.	:	
OLEY VALLEY SCHOOL	:	
DISTRICT; TRACY SHANK,	:	
individually and as	:	JURY TRIAL DEMANDED
Superintendent of the	:	
Oley Valley School	:	
District; CHRISTOPHER M.	:	
BECKER, individually and	:	
as Principal of Oley	:	
Valley High School; and	:	
STACEY LYONS,	:	
individually and as	:	
employee of Oley Valley	:	
High School,	:	
Defendants	:	

DEPONENT: STACY LYONS

DATE AND TIME: Monday, November 11, 2019
at 10:10 a.m.

LOCATION: Oley Valley High School
17 Jefferson Street
Oley, Pennsylvania

BERKS COURT REPORTING SERVICE
By: Lori A. Dilks
Certified Court Reporter
10 Fox Glen Drive
Sinking Spring, Pennsylvania 19608
(610) 678-9984
berkscourtreporting@gmail.com

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13 Representing the Defendants

14 ALSO PRESENT:

15 Dr. Tracy Shank

16 _____
17 STIPULATION: It has been stipulated by and between
18 counsel that they waive the sealing of the transcribed
19 testimony by the witness and the filing of the original
20 with the Court, and all objections, except as to form,
21 until the time of trial.
22 _____

1

I N D E X

2

3

WITNESSEXAMINED BYPAGE

4

Stacy Lyons

Mr. Ready

4

5

6

EXHIBITS

7

8

NUMBERDESCRIPTION

9

1

Letter dated March 20, 2019

10

2

Maria Jones Narrative

11

3

Discipline Referral Form

12

4

E-mail dated March 20, 2019

13

5

E-mail dated March 21, 2019 and April 25, 2019

14

6

Initial Evaluation Form for Jordan Eck dated 2/22/19, with attachments

15

16

7

Teacher Input Form, with attachments

17

8

Letter dated March 27, 2019, with attachments

18

9

E-mail chain dated 3/24/19

19

10

Discipline Referral Form for Jordan Eck

20

11

Discipline Referral Form for Jordan Eck

21

12

Joint Report of Rule 26(f) Conference

22

13

Letter dated May 9, 2019

23

14

Prior Written Notice for Initial Evaluation and Request for Consent Form for Vincent Ferrizzi

24

25

15

Newsies Cast Members List

3

	<u>NUMBER</u>	<u>DESCRIPTION</u>
1		
2		
3	16	Memorandum dated March 21, 2019
4	17	Section 220, Student
5		Expression/Distribution and Posting of
6		Materials
7	18	Section 233, Suspension and Expulsion
8	19	Section 248, Unlawful Harassment
9	20	Section 252, Bullying and Cyber Bullying
10	21	May 19, 2019 Required Information
11	22	E-mail dated March 19, 2019
12	23	E-mail dated March 20, 2019
13	24	E-mail dated March 20, 2019
14	25	E-mail dated March 21, 2019 with
15		handwritten notes
16	26	E-mail chain starting March 25, 2019
17	27	E-mail chain starting April 2, 2019
18	28	E-mail dated April 24, 2019
19	29	E-mail dated April 24, 2019
20	30	OVSD Code of Conduct
21	31	Text messages
22		
23		
24		
25		

1 PROCEEDINGS

2 STACY LYONS

3 was called as a witness and, having been first duly sworn
4 by the Reporter-Notary Public, was examined and testified
5 as follows:

6 BY MR. READY:

7 Q. Good morning.

8 A. Good morning.

9 Q. My name is Joel Ready, and I think, as
10 you're aware, I represent the Plaintiffs in this case
11 against the School District and yourself.

12 A. Yes. Correct.

13 Q. So if I refer to the Plaintiffs
14 throughout this deposition, you'll know I'm referring to
15 Jordan Eck, Haley Hartline and Vinny Ferrizzi; correct?

16 A. Correct.

17 Q. I've put a binder in front of you and
18 Counsel, as well, and I'd ask you to look behind Tab 4,
19 which is where we'll start today. And I will provide one
20 to the Court Reporter, as well, 'cause it's just simpler.
21 I'm going to ask you to take a look at Exhibit 4.

22 A. (Witness complies.)

23 Q. Do you recognize this document?

24 A. Yes, I do.

25 Q. Did you send this e-mail?

5

1 A. I did.

2 Q. Who did you send this e-mail to?

3 A. A small handful of parents.

4 Q. I'm going to kind of walk you through
5 this e-mail. In here it says in that first line -- could
6 you read that second sentence for us?

7 A. What do you mean, I have spent?

8 Q. Correct.

9 A. I've spent the last two months shielding
10 the kids from some very horrible stuff happening behind
11 the scenes with a student.

12 MS. O'DONNELL: Just so that we're -- it
13 starts, I need your help, I've spent the last two months
14 shielding, that's where you want her to start?

15 MR. READY: Yes.

16 THE WITNESS: I've spent the last two months
17 shielding the kids from some very horrible stuff happening
18 behind the scenes with a student and his mother.

19 BY MR. READY:

20 Q. What were some of the very horrible stuff
21 that was happening behind the scenes?

22 A. At this point, when this was written in
23 March, I had been being confronted often about doing
24 additional shows because a particular student in his
25 understudy role wanted the opportunity to add an

6

1 additional show so that he could perform.

2 Q. That show, that was an understudy show.
3 Is that right?

4 A. He was looking for an understudy show.

5 Q. So the show that he wanted to add was a
6 show that would allow the students in understudies to
7 perform?

8 A. Correct. And we had about three or four
9 students that were actually understudies. We did not
10 have understudies for every student.

11 Q. You had done some understudy shows in the
12 past. Is that right?

13 A. I only did one show with an understudy
14 show, and that was because of the type of show it was.
15 It was based on seven different stories with two people
16 on stage at a time, a couple of the scenes had three, so
17 it was very, very easy to allow more children to have the
18 experience of learning the script, getting the blocking
19 down.

20 So we offered that as an opportunity because
21 we were basically able to double almost every child in it,
22 and that allowed more people to participate.

23 Q. And that was the prior semester; correct?

24 A. That was in the fall. Correct.

25 Q. So what other very horrible stuff was

7

1 happening?

2 A. There had been a lot of reports of
3 bullying amongst students, things like that. And at this
4 point, it was -- I was just directing students to the
5 Administration and Dr. Shank on anything that they would
6 hear or see.

7 Q. What sort of bullying was taking place?

8 A. Just continual talk about people do not
9 deserve the parts they got.

10 Q. I'd like you to read the next sentence
11 starting with unfortunately.

12 A. You would like me to; is that correct?

13 Q. Yes.

14 A. Unfortunately, this situation has
15 escalated to the point that this student posted something
16 against another student and police were called in.

17 Q. This reference to a student posting
18 something against another student, what is that in
19 reference to?

20 A. So that is in reference to a Snapchat or
21 Instagram -- I'm not sure which one it was -- in which
22 Jordan and Haley Hartline had posted. Jordan asked me
23 actually after the Board meeting when he came to speak
24 with me, he brought that situation up. He said that they
25 were just trying to be funny. And I said I'm -- this is

8

1 what I'm being told, I said. And he said, I'll show it
 2 to you. And I said, I don't want to see it, this is not
 3 my place, that's something for you and the parents to
 4 worry about.
 5 Q. So at the time that you sent this e-mail,
 6 you had not seen the video?
 7 A. I had not visually seen it.
 8 Q. So what were you basing this statement
 9 that he had posted something against another student on?
 10 A. So that was based on a student's mother
 11 contacting me and saying what had just occurred. And
 12 then also, when I was at the school, two students telling
 13 me that they saw it.
 14 Q. What student's mother told you this?
 15 A. Jared Mazeika, M-A-Z-E-I-K-A.
 16 Q. Who are the students who told you they
 17 had seen it?
 18 A. Conner Alexander and at that point in
 19 time it was -- I think it was Olivia, Olivia Wagner.
 20 Q. These students told you that it had been
 21 posted against another student?
 22 A. They saw the video, and they took it as
 23 rather threatening, as well. And that's where it was
 24 like you need to talk to Administration.
 25 Q. I'm going to show you this video. I'll

9

1 turn this around so Counsel can see it, as well.
 2 MS. O'DONNELL: Is this the Jordan and
 3 Haley --
 4 MR. READY: This is the fruit video.
 5 MS. O'DONNELL: The fruit video. And why
 6 are you showing -- I'm going to object because she said she
 7 never saw it before.
 8 THE WITNESS: Yeah, and I don't know --
 9 MS. O'DONNELL: He didn't give her any
 10 instructions, so she doesn't know.
 11 MR. READY: Sure, we can back up and do a
 12 few instructions.
 13 MS. O'DONNELL: Maybe we should.
 14 BY MR. READY:
 15 Q. Have you ever had your deposition taken
 16 before?
 17 A. No, I have not.
 18 Q. So you can scratch this off your bucket
 19 list after today.
 20 A. Not on my bucket list.
 21 Q. Understood. As we do this, of course,
 22 Ms. Dilks will be taking everything down that we say. So
 23 I'll ask you to let one person talk at a time. If I'm
 24 asking a question, let me finish. I'll try to let you
 25 finish your answers, as well, before I jump in.

10

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1 A. Okay.
 2 Q. That way we can let her take things down.
 3 Probably both of us will occasionally have to slow down.
 4 Those people who are naturally fast talkers can make it
 5 hard for the Court Reporter. She's a fast typer, but
 6 I'll just ask you to try to moderate your speed as we go.
 7 A. Okay.
 8 Q. If at any point I ask you a question and
 9 you don't understand the question, you can feel free to
 10 let me know that you want more clarification. Okay?
 11 A. Okay.
 12 Q. And other than that, if you need to take
 13 a break, that's perfectly fine, just let us know. I'll
 14 just ask that you finish the question we're on at the
 15 time. Okay?
 16 A. Okay.
 17 Q. I'm going to show you this video that was
 18 posted to Snapchat and ask you to watch it.
 19 A. Before you push that button, what is the
 20 purpose of me watching the video?
 21 MS. O'DONNELL: You're not in any position
 22 to ask a question. You just answer.
 23 THE WITNESS: Okay.
 24 MS. O'DONNELL: I do the objecting, and I've
 25 already put an objection on the record.

11

1 (Video played.)
 2 BY MR. READY:
 3 Q. Now that you've seen this video, do you
 4 agree with your previous statement that it was a
 5 threatening video?
 6 MS. O'DONNELL: Object to the form of the
 7 question. Calls for speculation.
 8 BY MR. READY:
 9 Q. You can answer. Do you agree that this
 10 is a threatening video still?
 11 MS. O'DONNELL: Still same objection.
 12 You're asking for her personal opinion.
 13 BY MR. READY:
 14 Q. You can answer subject to that objection.
 15 A. I don't have anything to say.
 16 Q. You don't have anything to say. You've
 17 seen the video just now?
 18 A. Just now I saw the video.
 19 Q. Do you believe that that video
 20 constituted a threat against anyone else?
 21 MS. O'DONNELL: Object to the form. You can
 22 answer.
 23 THE WITNESS: I don't know.
 24 BY MR. READY:
 25 Q. Is there something in there that you

12

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1 think sounded menacing?
 2 MS. O'DONNELL: Object to the form. You can
 3 answer.
 4 THE WITNESS: I don't know.
 5 BY MR. READY:
 6 Q. You don't know whether anything in there
 7 sounded menacing. Why is that? Is there something in
 8 there that was ambiguous?
 9 A. Being the first time I've seen that, I
 10 don't know what it's about.
 11 Q. When you had this video reported to you
 12 that this was a threat against another student -- first
 13 of all, who was supposed to have been threatened by this
 14 video?
 15 A. It would have been Jared Mazeika, one of
 16 their students.
 17 Q. Did you ask any of the people who
 18 reported this to you to show you the video?
 19 A. No, I did not.
 20 Q. Why not?
 21 A. Because I asked them to report it to Dr.
 22 Shank and Mr. Becker.
 23 Q. So your testimony is, as you sit here
 24 today, you can't recognize whether there's a threat in
 25 that video or not?

13

1 A. I was told there was a threat.
 2 Q. Having seen it now, do you think there
 3 was a threat?
 4 MS. O'DONNELL: Object to the form. You can
 5 answer.
 6 THE WITNESS: I don't know.
 7 BY MR. READY:
 8 Q. What information would you need to know
 9 whether it was a threat or not?
 10 A. I guess I would need to consider context
 11 at the time, and that was a long time ago.
 12 Q. What sort of things in the context play
 13 into whether this video was a threat or not?
 14 A. Either the timing of the video itself,
 15 maybe activities that were going on before the video that
 16 I would not be aware of between the students or even
 17 after the video.
 18 Q. So I take it from what you're saying --
 19 and you tell me if I'm phrasing it correctly -- that this
 20 video on its face doesn't constitute a threat, but maybe
 21 with other circumstances it did?
 22 MS. O'DONNELL: Object to the form of the
 23 question. You can answer.
 24 THE WITNESS: Based on the fruits that were
 25 chosen, they are -- the one student is deathly allergic to

14

1 those particular fruits. So is it coincidence? Maybe.
 2 BY MR. READY:
 3 Q. So Jared is allergic to the fruits in the
 4 video?
 5 A. Those three specifically.
 6 Q. When did you become aware of Jared's
 7 allergy?
 8 A. When his mother called and said that
 9 this just happened and he's very upset, and she said
 10 these are the three that he is allergic to.
 11 Q. You didn't know that Jared was allergic
 12 to them?
 13 A. No.
 14 Q. You know the Mazeika family fairly well;
 15 correct?
 16 A. They've been part of the program and
 17 volunteering their time on weekends to build sets and
 18 things like that for the last three and a half years.
 19 Q. You've spent some time outside of that,
 20 as well, with them, correct; gone to dinner occasionally
 21 or seen them in social functions?
 22 A. Not at social functions, but like at
 23 dinner when we go out with many of the parents that help
 24 out.
 25 Q. So during all that time you've also

15

1 directed Jared for four years in drama; correct?
 2 A. Correct.
 3 Q. So during that time you had never become
 4 aware that Jordan was allergic to any of these fruits?
 5 MS. O'DONNELL: Object to the form. You
 6 said Jordan.
 7 BY MR. READY:
 8 Q. I'm sorry. Thank you. You've never
 9 become aware that Jared was allergic to any of these
 10 fruits?
 11 A. No.
 12 Q. So you said here in your statement that
 13 the police were called in, in this e-mail.
 14 A. Correct.
 15 Q. Did you call the police?
 16 A. I did not.
 17 Q. Who did?
 18 A. Mrs. Mazeika.
 19 Q. And did you speak with any Police
 20 Officers in this matter?
 21 A. I did not.
 22 Q. Do you know what the police investigated
 23 in this matter?
 24 A. Not totally, no.
 25 Q. Other than that she called the police,

16

1 are you aware of anything further in regards to --

2 A. I just know that they --

3 Q. In regards to the police, do you anything
4 other than that she called them?

5 A. She called them and they came to the
6 school.

7 Q. You're aware that they came to the
8 school. Is that right?

9 A. Correct.

10 Q. And whom did you learn that from?

11 A. Mrs. Mazeika and Dr. Shank.

12 Q. What did they tell you about that?

13 A. That they came and did a report.

14 Q. They filed a Police Report?

15 A. Correct.

16 Q. Did you speak to Jordan about any of
17 this?

18 A. The only conversation I had with him
19 regarding the video was when he brought it up after the
20 Board meeting when he came to talk to me.

21 Q. And you said you referred all of this to
22 Administration. I take it you didn't attempt at this
23 point to do any mediation between Jordan and Jared. Is
24 that correct?

25 A. I did not.

17

1 Q. You didn't call them in and say, let's
2 watch this video and discuss it?

3 A. No.

4 Q. Why not?

5 A. One, because I'm not a co-curricular
6 person. I'm not a full-time teacher here. I do this and
7 I have 47 other students that are there to have rehearsal
8 and to not having me take time out of their time to get
9 ready for a show dealing with that, and it became Dr.
10 Shank and Mr. Becker to handle.

11 Q. What did you think that the parents were
12 going to think by this statement that it had escalated, a
13 student had posted something against another student and
14 police were called in?

15 A. To be aware that we have students
16 behaving in a manner that is not correct, and we need to
17 make sure that we're handling the situation, obviously,
18 through the school. The school is handling it.

19 I think that was ultimately -- as I said, it
20 had just gotten to that point, and it never should have.

21 Q. You were aware that Jordan had felt
22 bullied by some of the things Jared had said, as well;
23 correct?

24 A. No. I am not aware of that.

25 Q. Were you aware that Haley had said that

18

1 she had a binder thrown at her by Jared at one point?

2 A. I am aware of that situation, yes, but

3 it was not thrown at her. It was thrown on a desk, from
4 what I was told.

5 Q. Who told you that?

6 A. Jared Mazeika.

7 Q. So you confronted Jared about this
8 claim --

9 A. I asked him what happened. Yes.

10 MS. O'DONNELL: You have to wait until he's
11 finished completely with his question before you begin to
12 answer.

13 BY MR. READY:

14 Q. I know this goes against normal
15 conversational tone. Depositions are difficult. But
16 we'll try to finish each statement as we go. Haley told
17 you that Jared had thrown a binder at her; correct?

18 A. She texted me. Yes.

19 Q. And then you spoke with Jared about it?

20 A. Yes.

21 Q. Why did you speak with Jared about it?

22 A. Because I wanted to understand both
23 sides of the story.

24 Q. Why did you not do that with this video?

25 A. The video I was not aware of until the

19

1 Board meeting timeframe. And again, from my
2 understanding, there was no video. It was something on
3 Snapchat, so it would disappear.

4 Q. So on March 20th, 2019, you learned about
5 the video for the first time?

6 A. Yes.

7 Q. And you sent this e-mail -- it says you
8 sent it at 12:17 a.m. Does that sound correct?

9 A. Yes, it is.

10 Q. So when roughly did you learn -- if I'm
11 not mistaken, that's right after midnight, correct, that
12 you sent this e-mail.

13 A. Correct. It's after midnight because a
14 lot of the work that I do once I leave the school at 10,
15 11 o'clock at night, I then have to do other work in the
16 evening.

17 Q. So when did you learn about the Snapchat
18 video?

19 A. I can't tell you exact time.

20 Q. Would it have been earlier in the evening
21 on the 19th?

22 A. Possibly.

23 Q. And during that time you were with Jordan
24 at rehearsal; correct?

25 A. I don't recall that we were together at

20

1 the time.

2 Q. You did not seek to contact him to get
3 his side of the story on this video?

4 A. No, because it was something between the
5 parents.

6 Q. I'm going to draw your attention to,
7 again, this statement the police were called in. Why
8 were you telling all of the parents that you were
9 e-mailing this fact?

10 MS. O'DONNELL: Object to the form. She
11 said there were five people.

12 BY MR. READY:

13 Q. I'm sorry, I may have missed that. You
14 said you sent this to five people?

15 A. I sent it to a handful of people.

16 Q. A handful of people.

17 A. Correct.

18 Q. Do you know how many?

19 A. Not off the top of my head, no, but it
20 was about a handful, so five or six.

21 Q. Five or six. Okay. Who do you remember
22 sending it to?

23 A. It would have gone to Mrs. Wagner, the
24 Conrads -- again, I'd have to go back and look.

25 Q. Why were you telling these parents the

21

1 police were called in?

2 A. 'Cause it was where the situation had
3 escalated. In my mind, we had hit pretty high up on the
4 escalation realm.

5 Q. You mentioned in the next sentence, This
6 mother and her son want me fired and in the mother's
7 words -- and you're referring to Tara Eck. Is that
8 right?

9 A. Correct.

10 Q. And in Mrs. Eck's words, she --

11 A. But her name is not listed there. But,
12 yes, that is who I'm referring to.

13 Q. And I'll use your words, in the mother's
14 words, quote, she is going to destroy me, end quote.
15 When did Mrs. Eck say that to you?

16 A. Mrs. Eck told Dr. Shank that.

17 Q. Do you know when?

18 A. That was on that Monday or Tuesday of
19 that week.

20 Q. What was this in the context of?

21 A. In a meeting that they had with Mrs. Eck
22 here. I was not part of that conversation.

23 Q. Here being the high school?

24 A. Correct.

25 Q. You said all of this escalation and Mrs.

22

1 Eck wanting to get you fired -- unnamed Mrs. Eck wanting
2 to get you fired -- all of this because her son was not
3 cast as Jack. Who tried out for Jack?

4 A. I'd have to go back and look at my
5 notes. It's from a year ago, but there were several
6 people that tried out for Jack.

7 Q. It was just Jordan and Jared; correct?

8 A. At the end, the two that were up against
9 each other in the end -- we go through regular auditions
10 and then we do call-backs, and the call-backs are
11 typically a slimmed down list of people.

12 Q. You mentioned earlier when we discussed
13 the very horrible stuff happening behind the scenes, you
14 mentioned that a lot of it was bullying because of this
15 role of Jack, because of who got the role; correct?

16 A. It was more than that. There were other
17 people that were also bullying other people in different
18 parts.

19 Q. Who?

20 A. Haley Richard was bullying Grace, who
21 had been given the part of Catherine that she wanted. So
22 it went beyond even what Eck or Haley or Vinny were
23 doing. It wasn't just to Jared. It was to others.

24 Q. You said that all of this escalation
25 happened because Jordan was not cast as Jack. Is that an

23

1 accurate statement?

2 A. A student was not cast as Jack, yes,
3 that's what I wrote.

4 Q. Is that why all of this escalation
5 happened?

6 A. I have no other reason why any of this
7 escalation wouldn't have happened. I ended a fall play
8 with students writing me beautiful letters on how
9 wonderful it's been. These three, in particular, saying
10 thank you for believing in me, thank you for being the
11 best mom, thank you for an awesome show and a wonderful
12 experience.

13 And how I can go from November 10th, getting
14 those letters from those three to all of a sudden after
15 three and a half years of working with these kids very, very
16 closely and giving them lots of great opportunities in which
17 they have acknowledged, to all of a sudden turn around and
18 -- it was a tough environment for not only myself, but the
19 other students to have kids that were having a difficult
20 time accepting them, the part that they did get.

21 Q. Let's go back into November and December
22 of 2018. There were some complaints at that time, I
23 guess, about the audition schedule. Is that right?

24 A. Not that I'm aware of.

25 Q. I believe you said not that I'm aware of?

24

1 A. Not that I'm aware of, no.
 2 Q. Did anyone approach you in December or
 3 January about concerns about the audition schedule or the
 4 late nights that things were being released or anything
 5 like that?
 6 A. No.
 7 Q. Were there any other concerns brought to
 8 your attention about your management of the school play?
 9 A. No.
 10 Q. No concerns brought about rehearsal
 11 times?
 12 A. No.
 13 Q. So as of the time that you sent this
 14 e-mail, you believed that all of the escalation was
 15 simply because one student did not get the role he
 16 wanted?
 17 A. I would say yes.
 18 Q. You mentioned that you had been working
 19 closely with Dr. Shank and the Administration since
 20 January. What had you been working closely about?
 21 A. I was letting them know the
 22 conversations that were either happening or things that
 23 were happening at rehearsal that I was uncomfortable in
 24 myself being able to deal with on my own.
 25 Q. What sort of things were you bringing to

25

1 their attention?
 2 A. For example, Jordan Eck in a rehearsal
 3 -- we were doing blocking for a particular scene with all
 4 of the Newsies; and as I was blocking, I would have Jared
 5 Mazeika stand in his spot, Vinny was supposed to stand
 6 next to him, Vinny would step over and come over to the
 7 left of him or the right of him and not be next to him
 8 and Jordan would come, he would not stand next to him
 9 either and would actually sit on the floor and would then
 10 continue to miss his lines to the point that the other
 11 students started saying his lines for him. I had to ask
 12 him why, what he was doing. And he said, well, I'm just
 13 tired.
 14 So it became a situation that I was feeling
 15 very uncomfortable, that I was being very disrespected. The
 16 entire cast was being disrespected all because they didn't
 17 want to play their part.
 18 Q. And they told you that, that's why they
 19 were doing it?
 20 A. They did not say why they were doing it.
 21 It was their actions that was making me feel that way.
 22 Q. You mentioned that the parents at issue
 23 in this situation had made friends with Mrs. Zackon on
 24 the school Board. Is that right?
 25 A. That's correct.

26

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1 Q. And you said it's helping to fuel the
 2 fire. What fire is this a reference to?
 3 A. Having a School Board member who is
 4 behind the scenes working with a parent and actively
 5 going against an Administration and a Co-Curricular
 6 person, they were fueling the fire.
 7 Q. You sent this to a group of parents who,
 8 I take it, were fairly involved in the school show?
 9 A. Yes.
 10 Q. There's no doubt that any of them would
 11 have misunderstood who you were referring to in this
 12 e-mail, is there?
 13 A. I don't know.
 14 Q. Did you believe they would know who you
 15 were referring to?
 16 A. No. Not necessarily, no.
 17 Q. You didn't think that the parents who
 18 received this would know immediately that you were
 19 referring to Jordan and Tara?
 20 A. No, I don't believe that.
 21 Q. Some of these parents had attended
 22 rehearsals. Is that right?
 23 A. They had.
 24 Q. And they had been involved with the play?
 25 A. They're typically on the weekends when

27

1 the kids are not there.
 2 Q. All of these parents, of course, had
 3 students in the play; correct?
 4 A. Yes.
 5 Q. So presumably if there was a problem that
 6 was escalating all because of Jordan and Jared, the
 7 parents all would have kind of known that back story.
 8 A. No, they would not.
 9 Q. Why not?
 10 A. Because I don't share that kind of
 11 information. Much like I said in here, I've been keeping
 12 things away from people because that's not something for
 13 the kids to be involved in or parents to be involved in.
 14 It takes away from the experience as to why
 15 these kids are here and while the parents want to volunteer
 16 their time, they should not be aware of these kinds of
 17 things.
 18 Q. So you believe that the parents were
 19 totally unaware of this situation between Jordan and
 20 Jared?
 21 A. Yes, they were.
 22 Q. And you believe that they would not
 23 perceive this reference to Jordan and his mother?
 24 A. I don't believe so.
 25 Q. It's no secret that Mrs. Eck and Mrs.

28

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1 Zackon are friends; right?

2 A. I know that now. I didn't know that
3 until this stuff started.

4 Q. When was that?

5 A. March time frame with the School Board
6 meeting, so it would have been prior to that.

7 Q. You say at the end of this, We are in
8 jeopardy of losing this program. What does that mean?

9 A. What it means in the realm of high
10 school and where they choose to put their dollars, having
11 this kind of activity going on where we have parents or
12 students causing a lot of issues, when you have a School
13 Board member and maybe two that don't really truly
14 appreciate music education type programs, like we have
15 here with the theatre program, they're very easy to cut.

16 Q. So had you had conversations with Dr.
17 Shank or School Board members about this program being
18 cut?

19 A. No.

20 Q. Had anybody mentioned to you that they
21 believed that it should be cut or would be cut?

22 A. No.

23 Q. Had you had any conversations that the
24 future of the program was in jeopardy at this time?

25 A. I felt it was.

29

1 Q. But you hadn't heard that from anybody
2 else?

3 A. No.

4 Q. Did you have any conversations with
5 School Board members in advance of this meeting?

6 A. No.

7 Q. Did you have any conversations with them
8 after the meeting?

9 A. No.

10 Q. You didn't go to the meeting; correct?

11 A. No. I had a rehearsal to run.

12 Q. You believed that the program was in
13 jeopardy, but you didn't go to speak up about it?

14 A. I had a rehearsal to run with these
15 kids. I didn't know what that meeting was going to be
16 about. I just knew that they were going to speak to the
17 School Board. That's all I knew.

18 I had 47 children that needed a rehearsal,
19 and we have a show to do in two and a half weeks. I needed
20 to put my time into the kids.

21 Q. Did you contact any of the School Board
22 members at any point to express your concern about the
23 future of the program?

24 A. No.

25 Q. I'm going to ask you to take a look at

30

1 what has been marked as Exhibit 15 in your binder.

2 A. (Witness complies.)

3 Q. What is this document?

4 A. This was a request that Dr. Shank had
5 asked me to do, which was just here's all of the
6 different parents that have been involved in the program.

7 Q. When was this requested?

8 A. This would have been requested when the
9 first lawsuit came out.

10 Q. There's a column here that says Support
11 Program, and there's a yes, no, basically down the whole
12 list for each student and their parents.

13 A. Yep.

14 Q. What is that in reference to?

15 A. That's just in reference to -- for -- to
16 help our -- the lawyers on this side understand. And one
17 of the requests was talking about when you think of the
18 parents and the kids and things like that, are there some
19 that are fully in support of what Oley does in its
20 program here and the opportunities it provides, and are
21 there some that at this point would be saying no, they
22 think it's not worthwhile.

23 Q. What made you think that some of these
24 students thought it wasn't worthwhile?

25 A. Well, three of them did a lawsuit.

31

1 Q. You believe that means they didn't think
2 the program was worthwhile?

3 A. Yes, I do.

4 Q. What about the others, Grace Bertin, Lily
5 Glick, why were they not in support of the program here?

6 A. Grace Bertin, the last week of the show
7 had -- definitely seemed to be siding, from what I was
8 hearing from students, that she was turning, I guess you
9 can say, on the show itself.

10 Q. How was she turning on the show itself?

11 A. Started treating other students a little
12 less respectful and talking more about Haley and Jordan
13 and what they've been through.

14 Q. So you say talking about what they've
15 been through or talking about them, you mean speaking
16 favorably of them. Is that correct?

17 A. Correct.

18 Q. Speaking of their point of view
19 favorably?

20 A. Correct. Yes.

21 Q. And that made her not a supporter of the
22 program?

23 A. Questionable at that point in time. She
24 was a Senior. She was graduating anyway, so....

25 Q. You listed her here as a no, so you

32

1 believed that she didn't support the program because she
2 supported Jordan and Haley in their thoughts?
3 A. If the lawyers wanted to contact these
4 people, this was the basic opinion on where they would
5 probably get somebody that probably wouldn't want to talk
6 to you.

7 Q. What about Lily Glick?

8 A. Jordan Eck worked for the Glick family.

9 Q. So you believed that she would be against
10 the program?

11 A. Possibly.

12 Q. I want to refer back to Exhibit 4 for a
13 moment. We just stepped away from that, but I notice a
14 theme here. It says here in the final paragraph of
15 Exhibit 4, I'm reaching out to ask any and all parents
16 that believe in this program and students that love it to
17 please show up to the Board meeting to show your support.

18 Did you believe that Jordan, Haley and Vinny
19 did not love the program or that their parents did not
20 believe in it?

21 A. I would say they did not believe in it.

22 Q. Why is that?

23 A. Because they weren't getting what they
24 wanted out of it.

25 Q. So they went to the School Board meeting

33

1 and they expressed a lot of concerns, I guess, about when
2 rehearsals started and a number of other things. I think
3 you're aware. You believe that those things made them
4 opponents, not just of your leadership personally, but of
5 the program as a whole?

6 A. Yes, I do.

7 Q. What is the division between your
8 leadership and the program as a whole?

9 A. The program was built on my leadership.
10 It wouldn't exist the way it does today without my
11 leadership.

12 Q. So you understand that opposition to your
13 leadership is, per se, it's necessarily opposition to the
14 program?

15 A. In my mind, yes, it is.

16 Q. Mr. Becker in an e-mail said that he had
17 multiple phone calls with several parents, including Mrs.
18 Bertin, about show times -- excuse me, rehearsal times,
19 them starting on time, how late they would go, that they
20 were still going late deep into the rehearsal process.
21 Did Mr. Becker communicate any of those parental concerns
22 to you at any time?

23 A. No, he did not.

24 Q. You never had conversations with Mr.
25 Becker about any concerns maybe that he had generally

34

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1 about the program?

2 A. No.

3 Q. Did you ever have conversations with Dr.
4 Shank about either parental concerns or her concerns
5 about the program and the way you were running it?

6 A. No. She had no concerns, and the only
7 parental concerns was anything that she would mention
8 about -- with Jordan, Vinny or Haley.

9 Q. At some point Dr. Shank told you that
10 Tara Eck was planning to attend the School Board meeting.

11 A. Yes.

12 Q. When was that?

13 A. I believe it was that Monday or Tuesday
14 before.

15 Q. So if memory serves, the School Board
16 meeting was a Wednesday. So it would have been a day or
17 two before that you were told?

18 A. Yes.

19 Q. And why did she tell you that?

20 A. Because she wanted me to be aware that
21 these students were coming to speak out against me.

22 Q. And what did she tell you to do about
23 that?

24 A. She said to reach out to any parents
25 that want to come to the School Board meeting and hear

35

1 what they have to say.

2 Q. Did you run this e-mail by Mr. Becker or
3 Dr. Shank?

4 A. No.

5 Q. Did either of them help you with the
6 wording on it?

7 A. No.

8 Q. So after the School Board meeting, these
9 students returned to the auditorium for rehearsal;
10 correct?

11 A. Correct.

12 Q. Rehearsal had been going on during the
13 School Board meeting, as I understand it?

14 A. Yes. Correct.

15 Q. You excused students who wanted to go
16 speak at the School Board meeting?

17 A. So I had received texts and messages
18 from a handful of students that said we just heard about
19 this School Board meeting, we would like to attend. I
20 told them they needed to come to rehearsal because I
21 always check everyone in at each rehearsal.

22 Everyone came to the auditorium. I checked
23 everyone in. And we had five people missing, two of which
24 were out sick and the other three were the three in your
25 lawsuit.

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1 I let them know that I was aware, because
 2 some had come to me, that that School Board meeting was
 3 happening, that I would excuse them because I don't have a
 4 right to hold them from something if they want to also go
 5 and listen, I said, but I have a rehearsal to run. Those of
 6 you that would like to be excused, you may be excused.
 7 Those of you that are here to rehearse, we're going to
 8 rehearse and I asked them to get on stage.
 9 Q. And you expected students to contact you.
 10 I mean, that was the purpose of the e-mail; correct?
 11 A. No. I didn't expect any student to
 12 contact me.
 13 Q. You didn't expect students to contact you
 14 for the purpose of going to the Board meeting?
 15 A. No, I did not.
 16 Q. I want to point back to the last
 17 paragraph here, I'm reaching out to ask any and all
 18 parents that believe in this program and students that
 19 love it to please show up to the Board meeting and show
 20 your support.
 21 A. This was not sent to any students.
 22 Q. So you believed this would have no effect
 23 on students --
 24 A. No, I don't.
 25 Q. -- attending the Board meeting?

37

1 A. No, I do not.
 2 Q. Why did you mention the students to show
 3 up to the Board meeting then?
 4 MS. O'DONNELL: Objection to form. It
 5 doesn't say that. Students that love it is the way it
 6 reads.
 7 BY MR. READY:
 8 Q. I'll rephrase. Why did you ask -- and
 9 I'll use your words -- I'm reaching out to ask students
 10 that love it -- referring to the program -- to please
 11 show up to the Board meeting to show your support?
 12 MS. O'DONNELL: Object to the form. It
 13 reads any and all parents that believe in this program and
 14 students that love it.
 15 THE WITNESS: The reference of students is
 16 in being supportive of their student loving the program.
 17 BY MR. READY
 18 Q. This doesn't say that. So is that what
 19 you were trying to say?
 20 A. That's what I was saying.
 21 Q. When you read this, though, you can see
 22 how this is clearly a call for parents and students that
 23 love it to please show up to the Board meeting; correct?
 24 A. That would be your interpretation, not
 25 mine.

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1 Q. So you don't believe that the parents
 2 reading this e-mail would take this as an invitation to
 3 bring their students to the Board meeting?
 4 A. That's not what I implied.
 5 Q. You don't believe that's what they
 6 received or that's not what you were trying to say?
 7 A. That's not what I was saying.
 8 Q. You do see, though, reading this now how
 9 that clearly could be misunderstood?
 10 MS. O'DONNELL: Object to the form.
 11 THE WITNESS: That's how you are reading it.
 12 It is not how I wrote it.
 13 BY MR. READY:
 14 Q. So let me ask a different question. As
 15 you read it here today, do you understand how someone
 16 could understand it that way?
 17 A. I'm still reading it the way I wrote it
 18 and no.
 19 Q. So you do not believe this was read by
 20 the parents as an invitation to bring their students to
 21 the Board meeting?
 22 A. No, I do not believe that.
 23 Q. This was an invitation, you believe, to
 24 only the parents that would not leak to students in any
 25 way?

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1 MS. O'DONNELL: Object to the form. Leak to
 2 students, but whatever, you can answer.
 3 THE WITNESS: I cannot control what a parent
 4 does with their students.
 5 BY MR. READY:
 6 Q. You were not trying to incite them, you
 7 say, sitting here today --
 8 A. Absolutely not.
 9 Q. -- to bring their students to the Board
 10 meeting?
 11 A. No.
 12 Q. You believe this e-mail would only bring
 13 parents to the Board meeting and the students that love
 14 it would not come to the Board meeting?
 15 A. Correct, 'cause we had rehearsal.
 16 Q. So students contacted you. Did you at
 17 that point realize that your e-mail had been
 18 misunderstood?
 19 A. No.
 20 Q. So students contacted you saying they
 21 wanted to go speak at the Board meeting?
 22 A. They heard about the Board meeting at
 23 school and wanted to attend.
 24 Q. Some of these students were the students
 25 of parents you had sent these e-mails to; right?

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1 A. I don't have any clue. I'd have to go
2 back and look.
3 Q. Who contacted you, which students?
4 A. I don't know off the top of my head.
5 Q. You don't recall, as you sit here today,
6 which students contacted you about missing rehearsal?
7 A. Not off the top of my head.
8 Q. And you believe that they didn't get it
9 from their parents or this e-mail, but they got it from
10 school somewhere?
11 A. Yes.
12 Q. Where would they have gotten it at
13 school?
14 A. Talking to other students, talking
15 amongst themselves. I don't know.
16 Q. Did you ask any of them?
17 A. No.
18 Q. You didn't think that maybe this e-mail
19 had been misunderstood?
20 A. No.
21 Q. So you excused students to go speak in
22 favor of the program and in favor of you at the School
23 Board meeting?
24 A. It was not for in favor of the program
25 or in favor of me. And it has never ever been about me.

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1 They had asked if they could go and listen. I can't stop
2 them from doing that, but I had a rehearsal to run, so I
3 said if you would like to go down, you may, but we have a
4 rehearsal to run.
5 Q. So you believe that -- and I'm just using
6 your phrase -- their right to listen. Is that what you
7 said? They have a right to attend the School Board
8 meeting?
9 A. Just as much as those three had a right
10 to say what they wanted to say at that meeting.
11 Q. So you believe they had a right to attend
12 the School Board meeting, the students?
13 A. If they choose to.
14 Q. And that trumps their obligation to be at
15 rehearsal?
16 A. I wouldn't say it trumped it.
17 Q. What would you say?
18 A. I can't control them. I can't say, you
19 have to sit here or be here.
20 Q. Sure, but you don't usually grant reasons
21 to not be at rehearsal for just anything, right? You
22 don't just say, okay, you're not going to be here, that's
23 fine. You normally demand an excuse, right, to decide if
24 it's valid?
25 A. I just ask what the conflict is,

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1 typically.
2 Q. And there are plenty of things, I'm sure,
3 that you've been approached with over the years that's a
4 conflict that you've said that's not a sufficient reason
5 to miss rehearsal?
6 A. It's either a conflict or they just
7 don't show up.
8 Q. But there are times that you've told
9 students that something was not important enough for them
10 to miss rehearsal?
11 MS. O'DONNELL: Object to the form.
12 MR. READY: What's wrong with the form?
13 MS. O'DONNELL: You're misstating all of her
14 testimony.
15 MR. READY: I'm not misstating her testimony
16 at all. I'm asking over the years if she has ever told
17 students that they couldn't miss rehearsal for something.
18 MS. O'DONNELL: That question you can
19 answer.
20 THE WITNESS: Tech week and the week of the
21 show are mandatory. They need to be there.
22 BY MR. READY:
23 Q. That wasn't this week, correct?
24 A. No.
25 Q. So outside of those mandatory times,

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1 you've never told a student they couldn't miss rehearsal
2 because of another obligation?
3 A. No, I have not.
4 Q. Students who came back to rehearsal, you
5 gathered everyone together --
6 A. I did not gather everyone together. I'm
7 sorry.
8 Q. On the evening of March 20th, after the
9 Board meeting when students returned to the auditorium,
10 you gathered the students together to have a
11 conversation.
12 A. No, I did not.
13 Q. Did the students gather then to have a
14 conversation?
15 A. Yes, they did.
16 Q. Describe how that happens.
17 A. The students came back in the room. A
18 couple of them were crying. I gave them a hug. And I
19 asked them if they were okay. And they said yes, and
20 then they asked if they could speak to the rest of the
21 cast. And I said that is fine, you guys can go up on the
22 stage and do that. And I excused myself over in the pit
23 area.
24 Q. Who was crying?
25 A. Rachael Shaner.

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1 Q. Is that it?
 2 A. Yes.
 3 Q. Did she tell you why she was crying?
 4 A. She was crying because for her, for the
 5 first time in her life, she stood up in a meeting when
 6 someone said something and spoke up and said that they
 7 were telling a lie. And this child is someone that is
 8 very demure and sweet and would never be confrontational
 9 in any way, shape or form. And a student had gotten up
 10 and said something very, very bad. And it really
 11 bothered her and troubled her enough that she actually
 12 spoke up.
 13 So it was more of a couldn't believe what
 14 she just did. This one was honestly proud of herself that
 15 she finally stood up for something. I didn't ask specifics.
 16 I just gave her a hug.
 17 Q. Were there students that you felt it was
 18 kind of a trying experience to speak publicly like that
 19 or speak in front of the School Board?
 20 A. With a School Board I'm sure it is with
 21 some kids. Other kids not so much.
 22 Q. During this meeting you locked the doors.
 23 A. The front door of the top was locked.
 24 The side door was not.
 25 Q. Why was the front door at the top locked?

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1 A. I had a parent that had asked that they
 2 please lock that door there because my back is always
 3 towards the back, and it would make them feel more
 4 comfortable for their student if there wasn't an easy
 5 access during the meeting.
 6 Q. During the School Board meeting?
 7 A. Yes.
 8 Q. Why?
 9 A. Because of the safety for their child.
 10 Q. And this is -- who was this that asked
 11 you?
 12 A. The Mazeika family.
 13 Q. They were concerned for Jared's safety?
 14 A. Yes. And others.
 15 Q. And other students?
 16 A. Yes.
 17 Q. And why were they concerned about that?
 18 A. They were -- at this point, for them, it
 19 had escalated that they were concerned for the safety of
 20 their son.
 21 Q. And that's because of this video that was
 22 posted?
 23 A. Yes.
 24 Q. What did we think Jordan was going to do?
 25 Was he going to come in with fruit?

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1 MS. O'DONNELL: Object to the form of the
 2 question. Your sarcasm is not appreciated.
 3 MR. READY: Your objection is noted.
 4 BY MR. READY:
 5 Q. Is that what we thought? I'm trying to
 6 understand what we thought Jordan was going to do based
 7 on this video?
 8 MS. O'DONNELL: Who's wa, Counsel? Who's
 9 we?
 10 BY MR. READY:
 11 Q. Sure. What did you and Mrs. Mazeika
 12 think was going to happen to Jared as a result of Jordan
 13 posting this?
 14 A. I didn't think anything, and I'm not
 15 going to speak for Mrs. Mazeika. She just was concerned
 16 and asked if I would not mind locking that front door.
 17 Q. Do you ordinarily lock doors during
 18 practice?
 19 A. The back door is always locked, and the
 20 one other door is locked, and then two are not.
 21 Q. The front doors are not locked normally;
 22 correct?
 23 A. Only one of them.
 24 Q. But you locked both of them this time?
 25 A. No, only one. The one is always locked.

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1 Q. So you locked the second door. One is
 2 normally locked, the second one is not.
 3 A. Correct.
 4 Q. You locked the second one this time?
 5 A. In the front of the auditorium, yes.
 6 Q. Did you speak with Dr. Shank or Mr.
 7 Becker about concerns about student safety at this
 8 rehearsal?
 9 A. No.
 10 Q. Why did you believe that the School Board
 11 meeting was a uniquely dangerous time for the students?
 12 A. I didn't say that.
 13 Q. You told me that you were asked to have
 14 it locked during the rehearsal that was during the School
 15 Board meeting.
 16 A. Correct.
 17 Q. And that was because you were concerned?
 18 A. I had a parent who was concerned.
 19 Q. And this was because the School Board
 20 meeting was going on?
 21 A. Yes. Correct.
 22 Q. What was it about that time that you
 23 believed was unsafe for the students?
 24 A. I was trying to be kind to a parent.
 25 Q. You did not communicate any of this to

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1 Dr. Shank or Mr. Becker?
 2 A. No.
 3 Q. You did not ask for security of any kind?
 4 A. Not at that point.
 5 Q. Who were they afraid was going to come in
 6 and harm Jared or another student?
 7 A. I can't say. You'd have to ask them.
 8 Q. During this meeting in which that door
 9 was locked after the School Board meeting, you required
 10 escorts for students to go to and from the bathroom. Is
 11 that right?
 12 A. No. The door was open.
 13 Q. You let them go to and from the bathroom
 14 without --
 15 A. Yes.
 16 Q. -- without a parent escort?
 17 A. Yes. Correct.
 18 Q. During that conversation you and Mrs.
 19 Hartenstine participated in some of the conversation that
 20 the students were debriefing from the School Board
 21 meeting?
 22 A. No, we did not.
 23 Q. Were you present for that conversation?
 24 A. I was in a different area of the
 25 auditorium.

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1 Q. Could you hear from where you were
 2 standing?
 3 A. No, I could not.
 4 Q. Did Ms. Hartenstine participate in that
 5 conversation?
 6 A. Absolutely not.
 7 Q. She stood with you?
 8 A. She was over in another area talking to
 9 a parent.
 10 Q. So she was not, to your knowledge,
 11 participating in that conversation?
 12 A. Correct.
 13 Q. Were you aware or did anyone report to
 14 you that during that conversation several students said
 15 that Jordan and Haley were mental?
 16 A. No, I'm not aware of that.
 17 Q. After this School Board meeting and after
 18 these conversations, all the students were in rehearsal
 19 at this point?
 20 A. Well, rehearsal was really done at that
 21 point.
 22 Q. At that point, Jordan approached you to
 23 converse with you in the hallway. Is that right?
 24 A. After Vinny had already asked to speak
 25 with me in the hallway, yes.

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1 Q. So Vinny asked first?
 2 A. Vinny asked first. He was the first one
 3 that came down. He joined the kids on the stage. As
 4 they were talking and having their conversation, Vinny
 5 was present. And then the other two came in. And then
 6 they were all just on the stage, dancing around because
 7 we had a song playing, 'cause they wanted to do one of
 8 their songs before they left. And then Jordan asked to
 9 speak with me. I said, well, that would be fine, but
 10 Vinny had asked to speak with me first.
 11 Q. So you spoke with Vinny privately in the
 12 hallway?
 13 A. I spoke with Vinny with Mrs. Hartenstine
 14 present.
 15 Q. Did you ask Mrs. Hartenstine to join, or
 16 did she ask --
 17 A. I have been told by Administration that
 18 I should always have someone else present.
 19 Q. Who in Administration told you that?
 20 A. Dr. Shank.
 21 Q. And specifically when talking with these
 22 students?
 23 A. Yes.
 24 Q. Not when talking with other students
 25 necessarily?

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1 A. It's just in good nature to try to
 2 always have someone else there.
 3 Q. So when any student approaches you, you
 4 don't speak with them privately?
 5 A. At that time, no.
 6 Q. I'm sorry, what do you mean at that time?
 7 A. While this was going on, no.
 8 Q. You implemented a policy that you always
 9 wanted someone else to be there?
 10 A. We liked someone to be there. Yes.
 11 Q. So you asked Ms. Hartenstine to join the
 12 two of you?
 13 A. Yes.
 14 Q. And I understand Maria Jones also joined
 15 you?
 16 A. She came down from the hallway when
 17 Jordan and Haley came back into the auditorium. I texted
 18 Jared Ott, who's on our facilities, and did ask that I
 19 have another adult present.
 20 Q. And he selected Maria then?
 21 A. And he saw her first and said, hey, Mrs.
 22 Lyons would like another adult down there, and Maria came
 23 down.
 24 Q. Maria is -- what was her position in the
 25 school?

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1 A. She's an Admin to Dr. Shank and other
2 things. I don't know her total title.
3 Q. Ms. Hartenstine, her position, she's a
4 teacher?
5 A. Yes, she is.
6 Q. And she teaches 5th grade. Is that
7 right?
8 A. Yes.
9 Q. She also helps with the play all through
10 the year?
11 A. Yes.
12 Q. After you finished with your conversation
13 with Vinny, you called Jordan out to talk to you?
14 A. Correct.
15 Q. And would you describe that conversation?
16 A. He just talked about that he really just
17 wanted to hope that we can all move forward and wanted to
18 talk a little bit about trying to start on time. And I
19 let Jordan know that I would love if we would start on
20 time, that that requires students coming in early to help
21 me clear off the entire stage because the Music
22 Department does not do that, and that we actually need
23 the students also showing up on time 'cause I can't run a
24 rehearsal when people are not on time.
25 And he agreed that he would work with the

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1 kids as -- in his role of Drama Club President to try to get
2 the kids to make sure that they are there and ready to go.
3 Q. During this conversation did Jordan
4 appear angry?
5 A. I wouldn't say he was angry. He was
6 forthright, maybe would be a word to use.
7 Q. How was he forthright?
8 A. It wasn't a calm conversation or a nice
9 conversation. It was much more of a I really need this
10 to happen type of thing.
11 Q. He was not calm?
12 A. I wouldn't say he was the calm Jordan
13 that I would know previous in my three and a half years
14 prior to that working with Jordan.
15 Q. What about his physical mannerisms made
16 you believe he was not calm?
17 MS. O'DONNELL: Object to the form. Was
18 there any physical mannerisms.
19 BY MR. READY:
20 Q. Sure. Was there any physical mannerism
21 that he expressed that made you think he wasn't calm?
22 A. Not that I can call out exactly.
23 Q. Was there any point in which he got in
24 anyone's face during this conversation?
25 A. He did end up verbally asking Ms.

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1 Hartenstine why she was being so quiet and didn't she
2 have something to say.
3 Q. So no, he didn't physically do anything
4 to get in anyone's face?
5 A. No.
6 Q. He didn't clench his fists or move in
7 anger toward anyone?
8 A. Not that I recall. I'm sure there's a
9 video that you could probably watch and see if he did or
10 not.
11 Q. Do you remember him lunging at anyone?
12 A. Him, no.
13 Q. Was there any point in which you felt
14 that he had physically crossed the line such that you
15 felt a need to correct him?
16 A. Not physically, but verbally he did.
17 Q. So during that verbal -- we'll go to that
18 -- you mentioned that he said to Ms. Hartenstine, you're
19 being quiet, don't you have anything to say. Is that
20 what you found offensive?
21 A. At first it's a little offensive to have
22 a high schooler calling out a teacher. It was more
23 sounding like it was a dad talking to his child in his,
24 you know, verbal sound. And Abby responded saying that
25 she was just listening. And from there he continued to

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1 talk to her about a story that she had told the students
2 back in January about when she didn't get the part that
3 she had hoped to have, and how another student was being
4 bullied and people were talking about the other student,
5 saying that she should have gotten the part instead.
6 And she said that at first it hurt not to
7 get the part, but it became more of her worry was that her
8 friend was being treated so poorly, so she moved on. She
9 accepted the part. She did get a great part. And she just
10 wanted to make sure her friend was okay and to have a good
11 show. And he said that he didn't believe her.
12 And at one point I said, Jordan, are you
13 saying that Ms. Hartenstine is lying? And he said, well, I
14 just don't believe her.
15 Q. So he said he didn't believe her. Is
16 that the phrasing he used? Do you remember --
17 A. Yeah. I remember him saying he did not
18 believe her.
19 Q. And you said, you're saying that she's
20 lying?
21 A. I asked him, are you saying that Ms.
22 Hartenstine is lying, and he said, I do not believe her.
23 Q. Did Jordan threaten violence against you
24 or anyone else in the circle at any time?
25 A. No.

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1 Q. What did you say to him regarding his
2 statement that he didn't believe her? Did you correct
3 that?

4 A. I don't recall exact words after that.
5 He has a right not to believe her if he doesn't want to.

6 Q. Did you report this conversation at that
7 time to Mr. Becker or Dr. Shank and request discipline of
8 Jordan Eck?

9 A. I did not. I did following, when Jordan
10 -- we finished our conversation, we agreed that both of
11 us would make sure we get the kids on time into
12 rehearsals, and that we need to move forward and have a
13 great show.

14 He removed himself from the hallway, and
15 Abby walked toward my office and started bawling and was
16 physically shaking at that point in time. I then, as Dr.
17 Shank -- at that time Dr. Shank and Mr. Becker were coming
18 down, and I asked them to please talk to Abby because she's
19 very upset with the -- I don't know what you want to call it
20 -- a conversation she just had with Jordan.

21 Q. What was she upset about?

22 A. She felt that she was threatened and
23 disrespected by this young man calling her a liar.

24 Q. Did she say why she felt threatened?

25 A. His demeanor to her was extremely strong

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1 and authoritative.

2 Q. His demeanor, specifically his physical
3 demeanor?

4 A. Both vocal and, I would say, physical if
5 Abby were to describe it, but you'd have to ask her.

6 Q. Would you describe it as physically
7 threatening?

8 A. More vocally threatening.

9 Q. So it wasn't anything that he did
10 physically that made you think that he was threatening
11 her?

12 A. It was vocal.

13 Q. I would like to turn your attention to
14 Exhibit 12 in your binder.

15 A. (Witness complies.)

16 Q. This document is a joint report filed by
17 your Counsel on behalf of you and the other Defendants.
18 I'll direct your attention to Page 4 of 7. Page numbers
19 are at the top.

20 MS. O'DONNELL: I'm going to object because
21 I put this together. These aren't her words.

22 BY MR. READY:

23 Q. Okay. That's fine. So your Counsel is
24 representing that, I think, you haven't seen this
25 document before. Is that correct?

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1 A. I'm not familiar with this document.

2 No.

3 Q. I'd like to go down to the last paragraph
4 on Page 4. The first sentence there says: Letting go of
5 emotions became impossible and not long afterwards
6 Plaintiff Eck became insubordinate and aggressive toward
7 one of his teachers.

8 Do you agree with that statement, that he
9 became aggressive toward one of his teachers?

10 A. Verbally aggressive, yes, I would say
11 that.

12 Q. So did you ever see him become physically
13 aggressive toward anyone?

14 MS. O'DONNELL: It doesn't say that, though,
15 does it?

16 MR. READY: I'm going to ask you not to
17 coach the witness.

18 MS. O'DONNELL: I'm not. I'm coaching you.
19 It doesn't say that --

20 MR. READY: And I don't need your coaching.

21 MS. O'DONNELL: Okay. Well, maybe you do
22 because now you're starting to put words in my mouth on my
23 paper and asking my witness to testify against what I've
24 written in a joint case management report. So that's
25 inappropriate.

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1 MR. READY: Okay. I will agree to disagree.

2 BY MR. READY:

3 Q. And I will ask you, did you ever witness
4 Jordan Eck become physically aggressive towards one of
5 his teachers?

6 A. No.

7 Q. In what ways, if any, was Jordan
8 insubordinate in the hallway that night?

9 A. You don't talk to an adult, a teacher, a
10 respected Assistant Director that you've known for three
11 and a half years in that way and accuse them of lying.

12 Q. So you objected to his tone of voice,
13 which you determined to be aggressive?

14 A. I found it to be aggressive. Yes.

15 Q. And you objected to him saying he did not
16 believe something that she said to him during that
17 conversation or previously?

18 A. Correct.

19 Q. That, in your mind, is insubordination?

20 A. It could be seen that way, yes, in my
21 mind.

22 Q. Was there any other active
23 insubordination that you believe he committed in the
24 hallway that night?

25 A. No.

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1 Q. You had no conversation with Dr. Shank
2 that night or the next day about suspending Jordan Eck?
3 A. No.
4 Q. You're aware that Jordan Eck was
5 suspended for a Tier 3 offense?
6 A. I didn't know the tier. I just knew he
7 was suspended.
8 Q. When did you learn about his suspension?
9 A. It would have been the following day.
10 Q. At that point, did you give any thought
11 to how your e-mail from March 20th would have affected
12 people's perceptions about that suspension?
13 A. No.
14 Q. Did you at any time think about
15 retracting your e-mail of March 20th?
16 A. No.
17 Q. Did you speak with Dr. Shank about
18 addressing the students the following day in the
19 auditorium?
20 A. She said that they had a meeting with
21 all of the students in which they were going to let them
22 know that Jordan was no longer going to be in the show.
23 My understanding, at that meeting then they had one other
24 student decide to quit the show.
25 Q. Did Dr. Shank talk to you about any other

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1 purposes for that announcement?
2 A. No.
3 Q. Did you ask her to say anything at the
4 meeting to address the students?
5 A. I found out after the meeting. I did
6 not know there was a meeting until after.
7 Q. I'm going to ask you to turn to
8 Exhibit 16 in your binder.
9 A. (Witness complies.)
10 Q. Do you recognize this document?
11 A. Yes.
12 Q. When did you receive -- first of all,
13 what is this?
14 A. This is a letter from Dr. Shank and
15 their expectations for the Production Team.
16 Q. It's addressed to you; correct?
17 A. To me, but expectations for the entire
18 team.
19 Q. Addressed to you for management of the
20 Production Staff. Is that correct?
21 A. Yes.
22 Q. When did you receive this memo?
23 A. I have no idea.
24 Q. The date here says March 21st, 2019,
25 which would have been the day after the School Board

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1 meeting. Does that sound correct?
2 A. Well, that's what it says. I don't know
3 that I got it on that day.
4 Q. Do you recall when you got it?
5 A. I do not.
6 Q. I'm going to just point your attention to
7 the first sentence of this memo: As a follow-up to our
8 conversations regarding the concerns expressed by several
9 students and parents/guardians throughout the Spring,
10 2019 musical rehearsal season, I will be summarizing the
11 expectations in this memo. The Production Team is hereby
12 directed to follow or implement the subsequent
13 expectations.
14 Did I read that correctly?
15 A. You read the words. Yes.
16 Q. So this seems to say or it does say that
17 this is a follow-up on conversations Dr. Shank had had
18 with you. Do you recall those conversations?
19 A. Only conversations that I've ever had
20 with Dr. Shank were around the activities with Jordan and
21 Haley and Vinny.
22 Q. So you had not had conversations about --
23 I'm just looking down this list -- things like making
24 sure that constructive criticism is offered?
25 A. No. No.

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1 Q. You didn't have conversations with Dr.
2 Shank about rehearsals beginning and ending on time?
3 A. No.
4 Q. You didn't have conversations about how
5 communications must be copied to Mr. Becker and Dr.
6 Shank?
7 A. No.
8 Q. Did you have any conversations that, as
9 No. 6 says, you must allow parents and guardians to
10 attend practices as requested?
11 A. No, and they've always been open.
12 Q. As you review this, you do not believe
13 that you had any of these conversations with Dr. Shank
14 before March 21st, 2019?
15 A. No. These look like they are in
16 response to the March 20th Board meeting.
17 Q. And again, you don't recall when you
18 received it?
19 A. No.
20 Q. I want to direct your attention to the
21 second page, No. 11. I'll read it aloud.
22 MS. O'DONNELL: Wait, wait, wait. Oh, okay.
23 BY MR. READY:
24 Q. Yeah, sure. Applications for the Drama
25 Club scholarship will be provided to the Superintendent

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1 and Administration for their review and selection of the
2 successful candidates.

3 What is this Drama Club scholarship?

4 A. So when I first came in to lead the
5 program, I worked on a sponsorship program to get
6 businesses and community leaders to donate dollars to a
7 fund so that we could start to actually have performing
8 arts scholarships for children here in the Oley Valley.

9 Q. When did that begin?

10 A. That began after my first year, so back
11 in 2015.

12 Q. How much is the scholarship?

13 A. It has varied over time as we've raised
14 more money, but we're to the point that we were getting
15 towards a thousand dollars.

16 Q. And what are the criteria for the
17 scholarship?

18 A. Academic standing, so you need to be 3.0
19 and above. You also have to be, obviously, a member of
20 the Drama Club at that time. And you needed to do an
21 essay. And decide which one -- we had a non-performing
22 scholarship for those kids that are not going to go into
23 theatre, dance or acting as a career, and those kids that
24 want to -- you know, participated in the program, but are
25 going off into another field.

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1 So we had a little less money for folks that
2 just wanted to still apply and be recognized for their time
3 in the club. And they were also teacher references.

4 Q. There were two scholarships then given
5 out each year?

6 A. Yes.

7 Q. And did you provide these applications
8 this year to Dr. Shank?

9 A. Yes.

10 Q. Who was the successful candidate
11 selected?

12 A. No idea.

13 Q. You were not involved after providing the
14 applications?

15 A. No, I just gave them -- handed them
16 over.

17 Q. Also criteria is that they have to be a
18 Senior. Is that correct?

19 A. Yes. Correct.

20 Q. Did you give any input on these
21 applications?

22 A. No.

23 Q. Who applied?

24 A. Jared Mazeika and Jordan Eck.

25 Q. Did anyone else apply?

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1 A. No.

2 Q. And you mentioned, I guess, it sounded
3 like one of them is essentially -- and you tell me if I'm
4 summarizing this correctly -- one is a performing
5 scholarship and one is a non-performing scholarship.

6 A. So their college, university or after
7 high school plans is they are either going to pursue a
8 degree in musical theater, dance, vocal, anything to do
9 with performing arts. And the other one is for someone
10 that they are pursuing a different field of study.

11 Q. Did Jordan and Jared both apply for both
12 of these, one of these?

13 A. The first one.

14 Q. The --

15 A. Performing arts.

16 Q. They're pursuing a degree in performing
17 arts?

18 A. Correct.

19 Q. At the end of this memo it says -- the
20 second sentence of that last paragraph: It is important
21 for all parties to maintain an open, collaborative and
22 cooperative communication whereby the student's social,
23 emotional needs are addressed.

24 Did you have any conversations with Dr.
25 Shank before or after this memo about that sentence?

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1 A. No.

2 Q. Many of these concerns were brought up at
3 the School Board meeting. Is that correct?

4 A. I guess. I was not there. There were
5 no meeting Minutes, so I have no idea.

6 Q. So you don't know?

7 A. No.

8 Q. Fair enough. Did you implement these
9 corrections?

10 A. Yes.

11 Q. When did you begin implementation of
12 these corrections?

13 A. When we started rehearsal the following
14 week.

15 Q. Okay. So --

16 A. So it would have been -- sorry -- I
17 would have received it at some point in time before that
18 following week's rehearsal.

19 Q. Did you meet with the -- first of all,
20 who is the Musical Production Team? Is that students, as
21 well?

22 A. No.

23 Q. Just staff?

24 A. It's myself, Ms. Hartenstine, Ms. Lynch,
25 who is our Choral Director, and then also Joshua

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1 Schaeffer, who is our choreographer. So there's four of
2 us.

3 Q. Did you meet with them about this memo?

4 A. No.

5 Q. Did you meet with them about the
6 expectations or concerns in this memo?

7 A. We had conversations, but I did not go
8 through the memo.

9 Q. At the end of the play, the cast has an
10 after party?

11 A. Yes.

12 Q. Do you recall the night of the after
13 party?

14 A. Yes.

15 Q. As I understand, it went until about 4 in
16 the morning. Does that sound correct?

17 A. I don't think it was that late. No.

18 Q. When did it go to?

19 A. They traditionally go till about 3.

20 Q. Is that about when this one went, do you
21 think?

22 A. I think. Yeah.

23 Q. If I refer to that night, that's a fair
24 summary including those early hours in the morning;
25 correct?

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1 A. That's fine.

2 Q. During that party I understand you gave
3 out something called happy papers?

4 A. The kids all do happy papers, and then
5 they go in their bag, and then we hand them their bag.

6 Q. So you hand them a bag that has their
7 happy papers and something else?

8 A. It has a program in it, it has their
9 happy papers, it has any of the candy grams that they
10 would have received for people that bought them candy
11 grams, and then flowers.

12 Q. Happy papers, I understand, is a bit of a
13 tradition that goes back here at the school. Is that
14 right?

15 A. Yes.

16 Q. And describe the happy papers.

17 A. It's something the students do in which
18 they -- each student has their name on a particular piece
19 of paper and all of the other students can come and write
20 about how much they enjoyed working with that person in
21 the show as a friend, et cetera.

22 Q. Does that predate your time here at the
23 program?

24 A. It started earlier, yeah, when I was a
25 volunteer.

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1 Q. As you hand these out to students, you
2 also give personal words of encouragement. Is that
3 right?

4 A. Typically.

5 Q. Is that based on your experience with the
6 student?

7 A. Yes.

8 Q. Based on your observations of them as an
9 actor, as a person?

10 A. As an actor.

11 Q. Do you also give negative feedback?

12 A. No.

13 Q. When giving Vinny his happy papers, you
14 told him that you'd never forgive him for what he said at
15 the School Board meeting.

16 A. What I said is I thanked Vinny for
17 sticking with Newsies and that he did an amazing job.
18 And I called out the other parts that he had played
19 previously and how he had been absolutely great to work
20 with, but I do want him to know that the words that he
21 said I can't forgive him for 'cause they were extremely
22 hurtful. But that I also realize that he is a high
23 school student on his way off into the world, and over
24 time we sometimes look back at our past and we hopefully
25 look at it as a time that we learned and grow, and that's

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1 what I said.

2 Q. What words that he had said at the School
3 Board meeting did you find hurtful?

4 A. He said that I was abusive.

5 Q. Who told you that?

6 A. My son and my husband, who were there.

7 Q. You said this in front of all the
8 students; correct?

9 A. Not all of them were there. No.

10 Q. Who wasn't there?

11 A. I couldn't tell you. They just weren't
12 all in that vicinity at that time. Some of them had
13 already left already.

14 Q. So this was at the after party. Do you
15 remember about when it happened?

16 A. No.

17 Q. Towards the beginning, towards the end?

18 A. Maybe towards the end. I really -- I
19 could not recall exactly.

20 Q. We mentioned that it ended at 3, roughly.
21 Do you remember when it began?

22 A. Probably didn't get started until about
23 11:30, 12 o'clock because we have to clean things up and
24 get things set.

25 Q. Did you have any negative feedback for

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1 any other of the students?
 2 A. No.
 3 Q. During the after party the students also
 4 have the chance to make some speeches; correct?
 5 A. The Seniors like to do that.
 6 Q. And that's permitted, I guess?
 7 A. Yeah.
 8 Q. Did you witness Jared Mazeika's speech?
 9 A. I only heard the beginning of his speech
 10 and then got distracted by other activities that were
 11 going on between Vinny and his girlfriend.
 12 Q. And what was that?
 13 A. Vinny had gotten up out of his chair and
 14 went over and started texting things into his phone. And
 15 his girlfriend saw that he did that and started bawling
 16 and ran out of the auditorium, so I was dealing with
 17 other things at that point.
 18 Q. She started bawling because he was
 19 texting?
 20 A. Yes.
 21 Q. Did you speak with her about it?
 22 A. I just told her I'm sorry that she's
 23 feeling this way.
 24 Q. Feeling what way?
 25 A. That she was crying.

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1 Q. And so her crying, you believed, was
 2 because he was texting?
 3 A. Yes.
 4 Q. Did she tell you that's why?
 5 A. No.
 6 Q. Did you ask her why she was crying?
 7 A. No. I didn't get into specifics.
 8 Q. During Jared's speech when Vinny got up
 9 to get his phone, Jared stopped his speech. Do you
 10 recall that?
 11 A. No. Yeah, I don't recall that.
 12 Q. You don't recall it?
 13 A. No.
 14 Q. And during that time, after Vinny came
 15 back and sat back down, Jared said, Bitches will be
 16 bitches. Do you recall that?
 17 A. I do not recall that.
 18 Q. Were you there at that time?
 19 A. Again, I did not hear that.
 20 Q. So I just want to understand. Is that
 21 because you were distracted, or it's your testimony that
 22 you believe he didn't say that?
 23 A. I was distracted.
 24 Q. Did anyone report that statement to you?
 25 A. No.

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1 Q. Were you aware that that's why Cassidy
 2 Kauffman was crying?
 3 A. No.
 4 Q. He also said during that speech that if
 5 anybody came for you, Mrs. Lyons, that they would have to
 6 deal with him. Do you recall that statement?
 7 A. No. No, I do not recall that.
 8 Q. Did anybody report that statement to you?
 9 A. No.
 10 Q. I'm going to turn your attention to
 11 Exhibit 29.
 12 A. (Witness complies.)
 13 Q. I'm going to ask you to look at what's
 14 labeled No. 2, and this is an e-mail from Dr. Shank in
 15 response to an e-mail from Ms. Bertin. This is Grace's
 16 mother, I believe. No. 2, at the end, this appears to be
 17 Dr. Shank's response to why this speech I just referenced
 18 was permitted. Dr. Shank says: You are correct, it
 19 should have been stopped. As it was explained to me,
 20 Senior students have the option of saying what they want
 21 during Senior speeches with no adult intervention when
 22 inappropriate things have been said. This practice needs
 23 to be changed.
 24 Hearing that those statements were made, do
 25 you agree with Dr. Shank's assessment?

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1 A. I have never seen this e-mail, and I
 2 don't know anything around this at all.
 3 Q. Do you agree that the practice of Seniors
 4 being given the opportunity to say what they want should
 5 be changed?
 6 A. If they were saying negative things,
 7 yes, it would be changed.
 8 Q. Did Dr. Shank have any conversation with
 9 you before or after this e-mail about that speech?
 10 A. She asked me if Jared had said anything,
 11 and I told her I was not aware.
 12 Q. Did she have any conversation with you
 13 about limiting Senior speeches or anything of that sort?
 14 A. No.
 15 Q. No. Okay. And I take it you didn't
 16 speak with any of the students there about these comments
 17 since you didn't hear them; correct?
 18 A. No, I did not.
 19 Q. The following day you have a mandatory
 20 clean-up time. Is that correct?
 21 A. So it is considered mandatory with a
 22 little bit of a caveat to that. It is a Sunday, and we
 23 do obviously have some folks that when it comes to
 24 Sundays, they do not want to do that, that's their family
 25 time. So if they have church or they have a family

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1 gathering, they are excused from it.

2 The reason we make it mandatory is we really
3 want kids to understand that it's not just showing up on
4 stage and then leaving; it really is about understanding
5 what goes into creating a show, building that show, and then
6 we have to take it all down. And it is a very -- a lot of
7 work to take everything down.

8 It took us a week to put it up, and I have X
9 amount of hours to get it all down and clean it like we were
10 never there. It has to be perfectly clean.

11 Q. How many hours, roughly, does it take?

12 A. So depending on the set, it can go
13 anywhere from four to six hours.

14 Q. And this starts at 10 in the morning?

15 A. Yes.

16 Q. At about 10:15 you asked Vinny to join
17 you in the auditorium. Do you recall that?

18 A. That is not correct.

19 Q. Okay.

20 A. That is not correct.

21 Q. When did you ask him to --

22 A. So I got to the school, many of the kids
23 were showing up at 10 o'clock. I had two students that
24 were very, very upset because the day prior, between the
25 2 o'clock show and the 7 o'clock show, Vinny was telling

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1 them that there's a big lawsuit coming and the bitch is
2 going down. So I contacted Dr. Shank and Mr. Becker and
3 said, I have a situation.

4 They also had told me that he was planning
5 on coming late and leaving early because he didn't want to
6 participate.

7 Q. Who told you that?

8 A. Two students.

9 Q. What two students?

10 A. Conor Alexander and Stacia Musser.

11 Q. Did you and Dr. Shank have a conversation
12 about this?

13 A. Yes, we did. And I also told the
14 students that they need to make sure on Monday they
15 should really go talk to their Counselor or anything like
16 that because they were troubled by what they heard.

17 I said that to Dr. Shank and Mr. Becker, is
18 that I'm uncomfortable with this child showing up if that's
19 what he's saying. He doesn't need to be here, it's not
20 mandatory, it's a Sunday, this is a co-curricular activity,
21 this is not school driven, you don't get a grade for this,
22 and that I was feeling extremely uncomfortable for him being
23 there.

24 Q. Why were you feeling uncomfortable?

25 A. Because that was a threat.

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1 Q. Did you believe that that was a threat of
2 physical violence?

3 A. I have seen Vinny be physical before, so
4 I would say both.

5 Q. When have you seen Vinny be physical?

6 A. He -- either when he talks about some of
7 his teachers, he will get very angry and rip up papers.
8 I have had him throw a chair across the auditorium.

9 Q. When did that happen?

10 A. It was last year.

11 Q. That was during a rehearsal, I take it?

12 A. Yes.

13 Q. And what was the context of that?

14 A. He was mad at a teacher.

15 Q. Did he say which teacher?

16 A. I don't recall who it was.

17 Q. What did he say about it?

18 A. He was just mad.

19 Q. But he said I'm mad about a teacher?

20 A. He was just mad. Yeah.

21 Q. He said he was mad about a teacher?

22 A. Yes.

23 Q. And he didn't say who?

24 A. I don't recall the teacher's name.

25 Q. So you told Dr. Shank that you were

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1 concerned, I guess, about safety then?

2 A. Yes. I was concerned not only for my
3 own safety, but the kids, as well, especially when I have
4 kids that are nervous about another student coming after
5 saying those things.

6 Q. So the two students who brought this
7 concern to you, you were concerned about their mental
8 well-being. Is that right?

9 A. It's not easy to hear someone saying
10 that they're gonna be doing what they said.

11 Q. So you told Vinny that some words were
12 spoken?

13 A. So when Vinny showed up, he showed up an
14 hour late. He walked into the auditorium. I asked my
15 husband and a couple other parents just to walk behind
16 me. They did not need to be next to me in any way, shape
17 or form. They could stand over there because I needed to
18 have a conversation with Vinny. And I brought him out of
19 the environment, and I brought him to the front of the
20 school so we were not around other students.

21 Q. When did you learn of what Vinny had
22 said?

23 A. In the morning.

24 Q. That morning?

25 A. That morning.

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1 Q. So the students came to you at what time?
 2 A. When they got there at 10.
 3 Q. 10 o'clock and they told you these
 4 things?
 5 A. Um-hum.
 6 Q. So you told Vinny at that time when you
 7 pulled him into the auditorium -- you said this was about
 8 11 he showed up?
 9 A. He showed up about 11:30.
 10 Q. About 11:30.
 11 A. 11:30.
 12 Q. And you told him that he had said some
 13 things?
 14 A. I said that there were a couple of
 15 students that have come to me with some information that
 16 you were sharing yesterday that's extremely concerning,
 17 and they're very uncomfortable and I'm extremely
 18 uncomfortable, so I'm going to have to ask you to
 19 leave -- I said that I talked to Dr. Shank, and she said
 20 that I should ask you to leave once you arrive.
 21 Q. Did you tell him what he had allegedly
 22 said?
 23 A. Not word-for-word.
 24 Q. Did you give him the gist of it?
 25 A. Gist of it, that he was talking about a

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1 lawsuit between the two shows yesterday.
 2 Q. You mentioned it was your husband and did
 3 you say two other parents?
 4 A. Two other parents.
 5 Q. Who were those parents?
 6 A. Mike Ulsh and I think Jerry Stoudt.
 7 Q. Did your husband and these two have
 8 clearances?
 9 A. Yes.
 10 Q. And they followed Vinny out to his car,
 11 is that right, they walked him out?
 12 A. They just stood outside by the door. My
 13 husband did not go out to the car until after two of the
 14 other students that had had their things in Vinny's car
 15 from the night before, they went and got their things out
 16 of the vehicle. And Vinny's girlfriend was still there,
 17 and I asked my husband to please ask Cassidy, is she
 18 going to go with Vinny or was she going to stay for the
 19 rest of strike.
 20 Q. And I take it in telling Vinny that he
 21 needed to leave, he also was not welcome to come back
 22 that day at some future time?
 23 A. Correct.
 24 Q. In fact, as soon as he spoke about you at
 25 the School Board meeting, you said you were keeping a

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1 close eye on him. Isn't that right?
 2 A. When?
 3 Q. Let's go to Exhibit 9. I'll direct your
 4 attention to Page 2, chain of e-mails.
 5 A. I have nothing in 9.
 6 Q. Well, that's not helpful, is it?
 7 MS. O'DONNELL: You can use my 9.
 8 BY MR. READY:
 9 Q. I apologize. On Page 2, this is in a
 10 chain of e-mails between you, Mr. Becker and Dr. Shank.
 11 I'm reading from the second paragraph on that page: I
 12 think Abby and Chris would agree that based on some of
 13 the behavior we saw from Vinny Ferrizzi, we may have a
 14 mole in our midst.
 15 Do you remember writing those words?
 16 A. Yes. That is in reference to I
 17 scheduled a tour of the Reading Eagle newspaper and to
 18 get to their history museum that they have there. Being
 19 Newsies in the musical was all about the young children
 20 and some of the strikes that went on. So we went to the
 21 Reading Eagle to learn about, you know, how were they
 22 affected back in the late 1800's.
 23 And while we were having a conversation,
 24 Chris Becker was telling me about where he came from and a
 25 little bit of his history. All of the other kids were

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1 totally around the other corner, hanging out in an area as
 2 we were waiting for buses to come back and pick us up. And
 3 Vinny got up from all of those people and walked over and
 4 made sure that he walked right by us, walked over here and
 5 then came back again.
 6 There was absolutely no reason for him to be
 7 there. And I had heard from other students that he had told
 8 them that he is taking notes.
 9 Q. What students told you that?
 10 A. I would have to think about it a little
 11 further. I can't say off the top of my head. It's been
 12 a long time.
 13 Q. How many students told you that he was
 14 taking notes?
 15 A. One or two.
 16 Q. You don't remember who they were?
 17 A. Not off the top of my head, no.
 18 Q. But you found them credible?
 19 A. Yeah.
 20 Q. So Vinny walked past you and then came
 21 back, and I guess heard part of Mr. Becker speaking about
 22 his background?
 23 A. Yes. Yes.
 24 Q. And that's what made you decide that he
 25 was a mole?

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1 A. Yeah.

2 Q. It says on the next paragraph or -- I'm
3 sorry -- the end of that same paragraph: I will continue
4 to keep a close eye on this behavior.

5 How did you keep a close eye on this?

6 A. And that was because Mr. Becker wanted
7 me to report to him if there seems to be any activity
8 from Vinny as far as being either negative within the
9 cast or doing things or I hear anything more from other
10 students; I should let him know.

11 Q. So if he had negative commentary about
12 the play or your direction --

13 A. Correct.

14 Q. -- he wanted to hear about it?

15 A. Yes. Correct.

16 Q. And you kept a close eye on what he said
17 and did as a result?

18 A. Yes.

19 Q. Were there any other students that you
20 were keeping a close eye on from this time forward?

21 A. No.

22 Q. If I understood your testimony earlier,
23 you said that the three Plaintiffs in this case, Jordan,
24 Vinny and Haley, never approached you about concerns
25 about how you were running the play other than the

85

1 casting dispute?

2 A. Yeah. I've never had them come to me on
3 anything.

4 Q. Did you have any meetings with your staff
5 about how to handle the students' free speech rights?

6 A. No.

7 Q. Do you have any concern that your actions
8 in this matter or the actions of any of your staff were
9 violating their free speech rights?

10 A. No.

11 Q. At some point you reported Jordan for not
12 letting Haley eat. Do you recall this?

13 A. I did not report it. It was from
14 another person that had contacted me that had some
15 concerns. And as an employee of the school, I am a
16 mandated reporter and I had to get that information to
17 the proper people.

18 Q. Who contacted you?

19 A. It was Alexa.

20 Q. I'm sorry. Who's Alexa?

21 A. Alexa was a graduate. She was actually
22 one of Haley Hartline's very good friends at one time.

23 Q. And she reported to you that she had
24 heard or seen something?

25 A. She has been seeing a lot of things,

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1 that she's not eating, seems very depressed all the time,
2 was very, very concerned for some activities that were
3 going on, and that was just between her and she just
4 wanted to tell somebody.

5 Q. Did she connect any of that to Jordan?

6 A. Yes.

7 Q. What did she say Jordan was doing or not
8 doing?

9 A. She just said that every time that they
10 would want to go do something, Jordan would not allow her
11 to do so.

12 Q. That Jordan was interfering with her --

13 A. Yes.

14 Q. -- friendship and activities with Haley?

15 A. Yes.

16 Q. Did she say that Jordan was keeping Haley
17 from eating?

18 A. I wouldn't say from eating. No.

19 Q. You reported to Administration that
20 Jordan was keeping Haley from eating?

21 A. I don't think I said eating. I said she
22 was in his basement and that Alexa was concerned because
23 she's seeing that she's not eating.

24 Q. What was it then that you reported that
25 you believed Jordan -- maybe not even that you believed.

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1 Let me rephrase that. What is it you reported that
2 Jordan was doing or not doing that was affecting Haley
3 negatively?

4 A. There was a concern by this other person
5 that there may be some type of either verbal or physical
6 abuse going on, which is why I reported it. It was not
7 my place to get involved in. That's for others to do.

8 Q. So you reported this to ChildLine?

9 A. No, I reported it to Dr. Shank because I
10 didn't know who I was supposed to report it to.

11 Q. Did Dr. Shank inform you to call
12 ChildLine?

13 A. No.

14 Q. Did you make reports to any other
15 investigative agency?

16 A. No.

17 Q. Did you contact Haley's parents?

18 A. No.

19 Q. Did you contact Haley?

20 A. No.

21 Q. Did you contact Jordan?

22 A. No.

23 Q. Were you involved any further after that
24 report?

25 A. No.

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1 Q. I'd like to ask you a little background
2 information about yourself. You said you began working
3 here in 2015. Is that right?
4 A. As an employee, yes.
5 Q. You worked here previously or
6 volunteered?
7 A. I was -- I've been a parent. Yes, I've
8 had three students come through this school.
9 Q. What do you do for your full-time job?
10 A. I am a Senior Manager at the Hershey
11 Company.
12 Q. You are hired each year by the School
13 Board directly?
14 A. As co-curricular and extracurricular
15 they do it on a -- every year they rehire everyone. It's
16 not a long-term contract.
17 Q. So it's a one-year agreement,
18 essentially?
19 A. Yes.
20 Q. And you were hired for the 2018/2019
21 school year by the School Board?
22 A. Correct.
23 Q. And you were rehired this year by the
24 School Board for this school year?
25 A. Yes.

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1 Q. I see you're doing 12 Angry Men this
2 year?
3 A. Yes. It's actually 12 Angry Jurors.
4 Q. I'm sorry, 12 Angry Jurors. You said --
5 and I want to make sure I clarify -- you were not
6 involved in the Drama Club scholarship after you passed
7 on the applications this year?
8 A. Correct. Right.
9 Q. Who was eligible for the Drama Club
10 scholarship this year? Not who applied, but do you know
11 who was eligible?
12 A. Any graduating Senior.
13 Q. How many were there?
14 A. 12 or 13.
15 Q. Do you know how many of them are going on
16 to do something drama-related such that they would be
17 eligible?
18 A. Well, you have to remember, they don't
19 have to be going on to do it for the other scholarship.
20 So it doesn't matter what they're going to go do. There
21 was still an application they could have filled out.
22 Q. How about for the one that is just for
23 those going on to a performing arts degree? Do you know
24 how many of these 12 graduating Seniors are going on to
25 do theatre?

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1 A. Two or three, I believe, were theatre.
2 One was music education. So they would be the other way.
3 Q. Who were they?
4 A. So Jared, Jordan, I think Haley wanted
5 to. I think those are the only ones that I know somewhat
6 of what they were going for when it came to actually
7 going into like musical theatre or something like that.
8 Q. Looking back on the events in this suit
9 -- that gave rise to the suit, I should say, and
10 specifically looking back to the e-mail that you sent on
11 March 20th, do you regret sending that e-mail?
12 A. No.
13 MS. O'DONNELL: Object to the form, but you
14 can answer.
15 MR. READY: I'm sorry, what was wrong with
16 the form?
17 MS. O'DONNELL: You're asking her to
18 speculate about the content of an e-mail that she already
19 wrote.
20 BY MR. READY:
21 Q. I'll make sure that my question is clear.
22 I'm asking you as you sit here today, do you regret
23 having sent that e-mail?
24 A. No.
25 MS. O'DONNELL: Objection. You could

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1 answer. I've let her answer.
2 BY MR. READY:
3 Q. And I want to also make sure I
4 understand. You said you were not involved after the
5 meeting in the hallway with Jordan Eck. You were not
6 involved in the decision to suspend him?
7 A. No. I don't have rights to do any of
8 that.
9 MR. READY: Okay.
10 MS. O'DONNELL: I have no follow-up. Thank
11 you.
12 (Whereupon, the deposition concluded at
13 11:55 o'clock a.m.)
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26 of 38 sheets

CERTIFICATE

I, Lori A. Dilks, the officer before whom
the deposition of STACY LYONS was taken, do hereby
certify that STACY LYONS, the witness whose testimony
appears in the foregoing deposition, was duly sworn by me
on November 11, 2019, and that the transcribed deposition
of said witness is a true record of the testimony given
by her; that the proceedings are herein recorded fully
and accurately to the best of my ability; that I am
neither attorney nor counsel for, nor related to any of
the parties to the action in which this deposition was
taken; and, further, that I am not a relative of any
attorney or counsel employed by the parties hereto or
financially interested in this action.

Lori Dilks

Lori A. Dilks

PA Court Reporter
Notary Public in and for the
Commonwealth of Pennsylvania

My Commission expires
November 29, 2023

28 of 1 sheets

8:8	bathtub	6:18	6:21	29:6	29:13	29:17	29:19	29:21	29:23	29:25	29:27	29:29	29:31	29:33	29:35	29:37	29:39	29:41	29:43	29:45	29:47	29:49	29:51	29:53	29:55	29:57	29:59	30:1	30:3	30:5	30:7	30:9	30:11	30:13	30:15	30:17	30:19	30:21	30:23	30:25	30:27	30:29	30:31	30:33	30:35	30:37	30:39	30:41	30:43	30:45	30:47	30:49	30:51	30:53	30:55	30:57	30:59	31:1	31:3	31:5	31:7	31:9	31:11	31:13	31:15	31:17	31:19	31:21	31:23	31:25	31:27	31:29	31:31	31:33	31:35	31:37	31:39	31:41	31:43	31:45	31:47	31:49	31:51	31:53	31:55	31:57	31:59	32:1	32:3	32:5	32:7	32:9	32:11	32:13	32:15	32:17	32:19	32:21	32:23	32:25	32:27	32:29	32:31	32:33	32:35	32:37	32:39	32:41	32:43	32:45	32:47	32:49	32:51	32:53	32:55	32:57	32:59	33:1	33:3	33:5	33:7	33:9	33:11	33:13	33:15	33:17	33:19	33:21	33:23	33:25	33:27	33:29	33:31	33:33	33:35	33:37	33:39	33:41	33:43	33:45	33:47	33:49	33:51	33:53	33:55	33:57	33:59	34:1	34:3	34:5	34:7	34:9	34:11	34:13	34:15	34:17	34:19	34:21	34:23	34:25	34:27	34:29	34:31	34:33	34:35	34:37	34:39	34:41	34:43	34:45	34:47	34:49	34:51	34:53	34:55	34:57	34:59	35:1	35:3	35:5	35:7	35:9	35:11	35:13	35:15	35:17	35:19	35:21	35:23	35:25	35:27	35:29	35:31	35:33	35:35	35:37	35:39	35:41	35:43	35:45	35:47	35:49	35:51	35:53	35:55	35:57	35:59	36:1	36:3	36:5	36:7	36:9	36:11	36:13	36:15	36:17	36:19	36:21	36:23	36:25	36:27	36:29	36:31	36:33	36:35	36:37	36:39	36:41	36:43	36:45	36:47	36:49	36:51	36:53	36:55	36:57	36:59	37:1	37:3	37:5	37:7	37:9	37:11	37:13	37:15	37:17	37:19	37:21	37:23	37:25	37:27	37:29	37:31	37:33	37:35	37:37	37:39	37:41	37:43	37:45	37:47	37:49	37:51	37:53	37:55	37:57	37:59	38:1	38:3	38:5	38:7	38:9	38:11	38:13	38:15	38:17	38:19	38:21	38:23	38:25	38:27	38:29	38:31	38:33	38:35	38:37	38:39	38:41	38:43	38:45	38:47	38:49	38:51	38:53	38:55	38:57	38:59	39:1	39:3	39:5	39:7	39:9	39:11	39:13	39:15	39:17	39:19	39:21	39:23	39:25	39:27	39:29	39:31	39:33	39:35	39:37	39:39	39:41	39:43	39:45	39:47	39:49	39:51	39:53	39:55	39:57	39:59	40:1	40:3	40:5	40:7	40:9	40:11	40:13	40:15	40:17	40:19	40:21	40:23	40:25	40:27	40:29	40:31	40:33	40:35	40:37	40:39	40:41	40:43	40:45	40:47	40:49	40:51	40:53	40:55	40:57	40:59	41:1	41:3	41:5	41:7	41:9	41:11	41:13	41:15	41:17	41:19	41:21	41:23	41:25	41:27	41:29	41:31	41:33	41:35	41:37	41:39	41:41	41:43	41:45	41:47	41:49	41:51	41:53	41:55	41:57	41:59	42:1	42:3	42:5	42:7	42:9	42:11	42:13	42:15	42:17	42:19	42:21	42:23	42:25	42:27	42:29	42:31	42:33	42:35	42:37	42:39	42:41	42:43	42:45	42:47	42:49	42:51	42:53	42:55	42:57	42:59	43:1	43:3	43:5	43:7	43:9	43:11	43:13	43:15	43:17	43:19	43:21	43:23	43:25	43:27	43:29	43:31	43:33	43:35	43:37	43:39	43:41	43:43	43:45	43:47	43:49	43:51	43:53	43:55	43:57	43:59	44:1	44:3	44:5	44:7	44:9	44:11	44:13	44:15	44:17	44:19	44:21	44:23	44:25	44:27	44:29	44:31	44:33	44:35	44:37	44:39	44:41	44:43	44:45	44:47	44:49	44:51	44:53	44:55	44:57	44:59	45:1	45:3	45:5	45:7	45:9	45:11	45:13	45:15	45:17	45:19	45:21	45:23	45:25	45:27	45:29	45:31	45:33	45:35	45:37	45:39	45:41	45:43	45:45	45:47	45:49	45:51	45:53	45:55	45:57	45:59	46:1	46:3	46:5	46:7	46:9	46:11	46:13	46:15	46:17	46:19	46:21	46:23	46:25	46:27	46:29	46:31	46:33	46:35	46:37	46:39	46:41	46:43	46:45	46:47	46:49	46:51	46:53	46:55	46:57	46:59	47:1	47:3	47:5	47:7	47:9	47:11	47:13	47:15	47:17	47:19	47:21	47:23	47:25	47:27	47:29	47:31	47:33	47:35	47:37	47:39	47:41	47:43	47:45	47:47	47:49	47:51	47:53	47:55	47:57	47:59	48:1	48:3	48:5	48:7	48:9	48:11	48:13	48:15	48:17	48:19	48:21	48:23	48:25	48:27	48:29	48:31	48:33	48:35	48:37	48:39	48:41	48:43	48:45	48:47	48:49	48:51	48:53	48:55	48:57	48:59	49:1	49:3	49:5	49:7	49:9	49:11	49:13	49:15	49:17	49:19	49:21	49:23	49:25	49:27	49:29	49:31	49:33	49:35	49:37	49:39	49:41	49:43	49:45	49:47	49:49	49:51	49:53	49:55	49:57	49:59	50:1	50:3	50:5	50:7	50:9	50:11	50:13	50:15	50:17	50:19	50:21	50:23	50:25	50:27	50:29	50:31	50:33	50:35	50:37	50:39	50:41	50:43	50:45	50:47	50:49	50:51	50:53	50:55	50:57	50:59	51:1	51:3	51:5	51:7	51:9	51:11	51:13	51:15	51:17	51:19	51:21	51:23	51:25	51:27	51:29	51:31	51:33	51:35	51:37	51:39	51:41	51:43	51:45	51:47	51:49	51:51	51:53	51:55	51:57	51:59	52:1	52:3	52:5	52:7	52:9	52:11	52:13	52:15	52:17	52:19	52:21	52:23	52:25	52:27	52:29	52:31	52:33	52:35	52:37	52:39	52:41	52:43	52:45	52:47	52:49	52:51	52:53	52:55	52:57	52:59	53:1	53:3	53:5	53:7	53:9	53:11	53:13	53:15	53:17	53:19	53:21	53:23	53:25	53:27	53:29	53:31	53:33	53:35	53:37	53:39	53:41	53:43	53:45	53:47	53:49	53:51	53:53	53:55	53:57	53:59	54:1	54:3	54:5	54:7	54:9	54:11	54:13	54:15	54:17	54:19	54:21	54:23	54:25	54:27	54:29	54:31	54:33	54:35	54:37	54:39	54:41	54:43	54:45	54:47	54:49	54:51	54:53	54:55	54:57	54:59	55:1	55:3	55:5	55:7	55:9	55:11	55:13	55:15	55:17	55:19	55:21	55:23	55:25	55:27	55:29	55:31	55:33	55:35	55:37	55:39	55:41	55:43	55:45	55:47	55:49	55:51	55:53	55:55	55:57	55:59	56:1	56:3	56:5	56:7	56:9	56:11	56:13	56:15	56:17	56:19	56:21	56:23	56:25	56:27	56:29	56:31	56:33	56:35	56:37	56:39	56:41	56:43	56:45	56:47	56:49	56:51	56:53	56:55	56:57	56:59	57:1	57:3	57:5	57:7	57:9	57:11	57:13	57:15	57:17	57:19	57:21	57:23	57:25	57:27	57:29	57:31	57:33	57:35	57:37	5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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 JORDAN ECK, HALEY
4 HARTLINE and VINCENT
5 FERRIZZI,

6 Plaintiffs

NO. 5:19-CV-01873-MAK

7 vs.

8 OLEY VALLEY SCHOOL
9 DISTRICT; TRACY SHANK,
10 individually and as
11 Superintendent of the
12 Oley Valley School
13 District; CHRISTOPHER M.
14 BECKER, individually and
15 as Principal of Oley
16 Valley High School; and
17 STACEY LYONS,
18 individually and as an
19 employee of Oley Valley
20 High School,

21 Defendants

JURY TRIAL OF 12
DEMANDED

22 DEPONENT: DR. TRACY SHANK

23 DATE AND TIME: Thursday, November 14, 2019
24 at 10:15 a.m.

25 LOCATION: Oley Valley High School
 17 Jefferson Street
 Oley, Pennsylvania

26 BERKS COURT REPORTING SERVICE
27 By: Lori A. Dilks
28 Certified Court Reporter
29 10 Fox Glen Drive
30 Sinking Spring, Pennsylvania 19608
31 (610) 678-9984
32 berkscourtreporting@gmail.com

1

0111a

1 APPEARANCES:

2
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9
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15 Representing the Defendants

16
17 STIPULATION: It has been stipulated by and between
18 counsel that they waive the sealing of the transcribed
19 testimony by the witness and the filing of the original
20 with the court, and all objections, except as to form,
21 until the time of trial.

1

I N D E X

2

3

WITNESSEXAMINED BYPAGE

4

Dr. Tracy Shank

Mr. Ready

5

5

Ms. O'Donnell

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6

Mr. Ready

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7

EXHIBITS

8

NUMBERDESCRIPTION

9

1 Letter dated March 20, 2019

10

2 Maria Jones Narrative

11

3 Discipline Referral Form

12

4 E-mail dated March 20, 2019

13

5 E-mail dated March 21, 2019 and April 25, 2019

14

6 Initial Evaluation Form for Jordan Eck dated 2/22/19, with attachments

15

7 Teacher Input Form, with attachments

16

8 Letter dated March 27, 2019, with attachments

17

18

9 E-mail chain dated 3/24/19

19

10 Discipline Referral Form for Jordan Eck

20

11 Discipline Referral Form for Jordan Eck

21

12 Joint Report of Rule 26(f) Conference

22

13 Letter dated May 9, 2019

23

14 Prior Written Notice for Initial Evaluation and Request for Consent Form for Vincent Ferrizzi

24

25

15 Newsies Cast Members List

3

0113a

<u>NUMBER</u>	<u>DESCRIPTION</u>
16	Memorandum dated March 21, 2019
17	Section 220, Student Expression/Distribution and Posting of Materials
18	Section 233, Suspension and Expulsion
19	Section 248, Unlawful Harassment
20	Section 252, Bullying and Cyber Bullying
21	May 19, 2019 Required Information
22	E-mail dated March 19, 2019
23	E-mail dated March 20, 2019
24	E-mail dated March 20, 2019
25	E-mail dated March 21, 2019 with handwritten notes
26	E-mail chain starting March 25, 2019
27	E-mail chain starting April 2, 2019
28	E-mail dated April 24, 2019
29	E-mail dated April 24, 2019
30	OVSD Code of Conduct
31	Text messages

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DR. TRACY SHANK

was called as a witness and, having been first duly sworn by the Reporter-Notary Public, was examined and testified as follows:

BY MR. READY:

Q. Good morning, Dr. Shank.

A. Good morning.

Q. I'm Joel Ready, and I think you're aware I represent the Plaintiffs in this case.

A. Correct.

Q. Have you had your deposition taken before?

A. Yes.

Q. And you were sitting in on Mr. Becker's deposition the other day, as well?

A. Correct.

Q. So you know basic ground rules that we'll try not to interrupt each other as much as possible, and that I'll ask you to make verbal responses so that Lori can take those down.

A. Correct. Just so you understand, if there is a health/safety emergency, whether we're in the middle of a question or not, I have to leave.

Q. I do understand that and we'll respect

5

that, certainly.

A. Thank you.

Q. We know you've had quite a wild morning this morning dealing with an active shooter drill that was planned and then a fire drill that was not planned.

A. Correct.

Q. Are you still okay to proceed today?

A. Oh, yes, most definitely.

Q. I'll start off with just a couple of questions. Tell me about your professional background and how you got into education.

A. I started -- I graduated from Lebanon Valley College in 1989 with a dual Bachelor's degree in music education and psychology. My Master's degree is from Temple University in educational leadership and policy studies. My doctoral degree is in 2001 from Immaculata University in educational leadership and policy studies.

I began teaching in 1989. I taught for nine years. I was a 6 through 12 band director and also a theatre director. I worked in our high school theatre, as well. And then I went into Administration in 1998 where I was an Assistant High School Principal, an Assistant Middle School Principal, Assistant Superintendent, and I've been a Superintendent

6

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And then I came to Oley Valley in 2010

where I was an Assistant Superintendent for Curriculum Instruction and then became Acting Superintendent in 2011 and officially Superintendent in 2012.

Q. And I think our stenographer is going to ask us to slow down. She's already told me this morning, so it's not just you. She told me from my performance the other day I needed to slow down, so we'll both try to do that, if that's all right, but thank you.

Your date of hire with the Oley Valley School District, if I understand, was in 2012?

A. '10.

Q. I'm sorry. 2010.

A. It originally was 2010. Formally as Superintendent was 2012.

Q. I see. Thank you for that clarification.

And there is a work-related e-mail account with the Oley Valley School District that you use. I don't actually -- I believe it's tshank@ovsd.pa.org.

A. Correct.

Q. Is that an inbox that you use exclusively?

A. Sometimes my secretaries will use that --

Q. Okay.

7

A. -- and check my e-mail if I'm not in the District. We have proxy access.

Q. Okay, understood. So they check your e-mails from time to time?

A. Um-hum. Yes.

Q. And are you aware, as regards to e-mails, that your Counsel provided to us, it appears those e-mails came from you. Do you know if any of those came from someone other than you?

A. To my knowledge, without knowing specifically which ones you're referring to, I believe they were all mine.

Q. As we go through these today, if you see one that you did not write will you let us know?

A. Correct.

Q. So as part of your training and your education, I understand you've probably taken some courses on school law and student discipline. Is that right?

A. Correct.

Q. Could you describe your training in respect to student discipline.

A. I've had conferences. I have had classes in both my Master's -- undergraduate, my Master's and my Doctoral program. I have taken courses with the

8

1 Pennsylvania School Boards Association. I have
 2 I have attended conferences or webinars
 3 under Perry Zirkel up at Lehigh University. I have
 4 studied special education law. I do a lot of reading
 5 in case law. I have been to seminars through our
 6 Association, Superintendents Association, Principal
 7 Association and Pupil Services Association, all
 8 regarding student rights, responsibilities, student
 9 discipline, IDA, basically everything that falls under
 10 my jurisdiction.
 11 Q. What is IDA?
 12 A. Individual Disability Education Act; that
 13 is a Federal law governing special education.
 14 Q. As part of your job here as
 15 Superintendent, you set policies for the Oley Valley
 16 School District.
 17 A. No. The Board sets policy.
 18 Q. In regards to student discipline, is that
 19 also the case?
 20 A. Yes. Our Board policies on student
 21 discipline are approved by the School Board. Mrs. Zackon
 22 is Chair of the Policy Committee.
 23 Q. And do you have input with that committee
 24 as far as what they set as policies?
 25 A. I draft the policies in accordance with

9

1 Pennsylvania School Boards Association regulations and
 2 their Council. And then I provide the drafts to the
 3 Policy Committee for the Board for discussion and review,
 4 and then subsequently put them on the Board Agenda, as
 5 directed, for Board approval.
 6 Q. And then you are an ex officio member of
 7 the Oley Valley School District School Board. Is that
 8 right?
 9 A. I'm a non-voting member. It's a team of
 10 ten, if you've heard that.
 11 Q. Explain that a little bit.
 12 A. There's nine members of the Board that
 13 control the overall operation of the School District.
 14 The Solicitor is a non-voting member, the Board Secretary
 15 is kind of a non-voting member and the Superintendent.
 16 That means that in my contract I have all rights to every
 17 meeting or committee meeting or discussion in executive
 18 session.
 19 Anything that has to do with my
 20 personnel or my evaluation, of course, I'm not there,
 21 but I have all rights to information and dialogue and
 22 discussion.
 23 Q. So as part of your position then as a
 24 part of the team of ten with the School Board, you do
 25 interact with them on the policies they set on student

10

1 discipline.
 2 A. Correct.
 3 Q. And do you advise them on those policies?
 4 A. Through the Solicitor and myself, yes.
 5 Q. Can you discuss how you balance the
 6 student's free expression rights against other concerns
 7 such as order in the classroom.
 8 A. There's a line between what we
 9 tentatively would call --
 10 COURT REPORTER: Excuse me --
 11 THE WITNESS: I'm sorry. I don't know
 12 who I'm supposed to talk to, you or him.
 13 COURT REPORTER: If you can just slow
 14 down.
 15 THE WITNESS: Sorry. I'm used to
 16 Stenographer's keeping up in my other depositions. So
 17 can you repeat the question?
 18 BY MR. READY:
 19 Q. Yeah, sure.
 20 A. Thanks.
 21 Q. How do you balance a student's free
 22 expression rights against other concerns such as keeping
 23 order in the school environment?
 24 A. We encourage student expression. We have
 25 a lot of civil -- what we refer to a lot of times as

11

1 civil discourse. We want students to learn when it's
 2 developmentally appropriate. If you're dealing with an
 3 elementary student versus a high school student, of
 4 course, that's gonna look differently.
 5 But we encourage them to seek and
 6 express their opinions and their views whether it's a
 7 political discussion, current events in social studies,
 8 or a discussion over an author or a text in English.
 9 The line becomes more gray when the
 10 student would be causing a disruption or is not backing
 11 their comments with fact or is getting agitated or
 12 accusatory or threatening. It's basically -- is it a
 13 more mature and civil discourse, or is it more
 14 targeted, threatening, personal and not issue driven.
 15 Q. Are there meaningful differences between
 16 whether a student speaks privately to a teacher or in
 17 front of a class?
 18 A. It depends on the topic. Sometimes if a
 19 student is having an issue with a teacher, we would
 20 recommend that they or they and their parents meet with
 21 that teacher in a classroom privately because it's not
 22 for other students to hear.
 23 Because in today's world, between
 24 social media and student interactions and the fact that
 25 today's students struggle more with social interactions

12

1 and communication skills, probably to make the course
2 used to living behind their screens, that that be done
3 in a teaching environment and not in front of a
4 classroom.

5 A lot of the discussion that we
6 encourage in a classroom is more about the concept of
7 whatever the class is or the nature of the discussion
8 from an educational standpoint.

9 Q. If a student is asked a direct question
10 by a teacher and believes that the answer to that
11 question is something the teacher will not find
12 palatable, what do you believe a student should do about
13 that situation?

14 A. I think the student -- it depends what
15 age we're talking about. Are we talking about a high
16 school student, a middle school student, elementary
17 student?

18 Q. Sure. Let's start with a middle school
19 student.

20 A. Middle school students, depending on the
21 -- a 6th grader or an 8th grader still isn't going to
22 look differently in today's world, but if they're not
23 comfortable asking it then they need to respectfully and
24 politely respond to the teacher that I'm not comfortable
25 answering at that time. If they're not comfortable

13

1 answering the question at this time, then they need to
2 say that to the teacher, I'm not comfortable answering
3 that at this time; or if they would like to talk about it
4 later or with my principal and just respond politely,
5 professionally and calmly to that teacher.

6 If they are able to answer the question
7 and then that dialogue is coming across polite,
8 professional, mature and not agitated, aggressive or
9 intimidating in any way -- if you're dealing with an
10 older student -- sometimes 8th graders think they're
11 Seniors and they have all the answers, and they have
12 not yet matured enough to know how to have those
13 conversations -- then that becomes a teachable moment
14 in that classroom. So it's a matter of what age group,
15 what topic you're talking about.

16 For example, we deal with it a lot when
17 it comes to the Presidential election because there
18 are -- as you know, in politics today there are many
19 sides to that issue, and we've actually encouraged our
20 students to have that civil discourse and those
21 discussions in classrooms -- middle school and high
22 school, in particular, just because of the age group --
23 but also to encourage them to seek their rights and to
24 have that expression and be able to have the agree to
25 disagree and walk away and know that that's okay.

14

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2 cannot continue to go at it from the angle that I am
3 the only one who's ever right. There's always multiple
4 sides of an issue and we, as an educational system,
5 need to encourage our students to understand that and
6 mature in the understanding that we need to respect the
7 rights and the statements of others.

8 Q. So in regards to a middle school student
9 or in regards to a high school student in the same
10 scenario, a teacher asks them a question that they think
11 the answer will not be pleasing or palatable to the
12 teacher, how do you think they should respond, or how is
13 it different from the answer you gave for a middle
14 schooler?

15 A. I think the only difference in the answer
16 between a middle school student and a high school student
17 is the expectation for a high school student, especially
18 a Junior or a Senior in AP U.S. History or current
19 events.

20 The other course that comes up a lot
21 here at the high school is the Holocaust, and
22 discussions about that is that they need to -- they're
23 expected, as a more mature student and as a 17- or
24 18-year-old, that they are able to articulate
25 themselves much more clearly and directly, calmly and

15

1 professionally, and not get as emotional or as agitated
2 or loud or acting out as much as you would expect a
3 middle school student because they've not yet mastered
4 their emotions as we would expect a Junior or Senior to
5 have.

6 Q. So there's a difference then in the
7 expectations between a 12th grader and a middle schooler?
8 A. We are a developmental institution.
9 There's a difference between a 6th grader and a 7th
10 grader in maturity.

11 When you work with teenagers, there can
12 even be developmental differences within an age group.
13 You can have immature 17-year-olds and you can have
14 very mature 17-year-olds.

15 Every individual is unique and
16 different, and we respect those differences. But we
17 also have to teach the differences, and we have to
18 teach students how to work with each other
19 cooperatively and respect each other's opinions as
20 students, as well as students to adults and adults to
21 students. That's what education is all about,
22 teaching.

23 Q. Do you agree or disagree with the
24 following statement: A 12th grade student may form and
25 express a personal opinion on the abilities of a teacher?

0117a 16

A. They have — everyone has — is entitled

Q. Do you agree or disagree with this statement: A 12th grade student may form a personal opinion on the credibility or veracity of a teacher?

A. They have — everyone has — is entitled to an opinion.

Q. And you believe they can all express that opinion. Is that right?

A. Correct.

Q. Are there any differences in your expectations of the students' interactions with teachers and their interactions with your co-curricular leaders such as coaches, Drama Club leaders or band leaders or whoever else?

A. The question is very vague. Can you redefine it, please?

MS. O'DONNELL: I was almost going to put an objection in there, but I thought maybe there was something I missed and she didn't.

BY MR. READY:

Q. Sure, I'll be happy to. Is there a — you expect a certain level of respect for all of your teachers from the students. Is that right?

A. Students should respect teachers. Teachers should respect students. It doesn't matter

17

whether you're the coach who is not a teacher or you're a coach that is a teacher.

Q. And so you expect students to interact in regards to their teachers in the same way they interact in regards to their co-curricular leaders?

A. The expectation is that we are professional and we are mature in our communications as employees, regardless of class of employees.

So a custodian is expected to act professionally just as a teacher would be or an Administrator would be.

Q. And you expect that if a custodian or a teacher or a coach on the football field gives a student instruction, you see those all on the same plane for that student to respond to. Is that right?

A. The student should be responding to what the adult — that is in direct supervision of the adult in the building, they should be responding to that.

If they have an issue with that, then they should take that to their parents, who would talk to an Administrator or they bring it to — depending on the developmental level of the child, they would bring that directly to the Administrator.

Like a high school student would seek out me, they would seek out the Principal, the

18

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Assistant Principal, someone look at them if they

didn't feel that the directive they were given was proper. Unless it was unethical, immoral or illegal, then the child should refuse to do that regardless of the level.

But, yes, they should be responding respectfully and politely and maturely to an advisor, a coach or a teacher. A teacher does have more authority as a certificated individual, and it is a different class of employee than a support staff advisor or a coach, who is a non-teacher.

Q. Does that give them more authority over the students?

A. It depends on the situation.

Q. What would be a situation that would be an example of how a teacher might have more authority than a co-curricular leader?

A. A teacher in a classroom is bound by our professional Code of Ethics. An advisor, a coach that is a non-teacher, although they are introduced to that, are not bound by the same mandated reporting.

So if you are — as an attorney, for instance, you are caught on a DUI, I don't have to report you to anybody.

(Brief Interruption.)

19

(Whereupon, the Reporter read back the referred-to testimony.)

THE WITNESS: So if you were an attorney, I don't have to do anything with that. So if you are an advisor, other than reporting to the Board, I don't have to do anything with that.

If you're a professional staff member I have the Code of Ethics, but I have to report to the State Department because you're a certificated individual. So there are lines that are different that holds teachers to a higher level of accountability than you would an advisor.

What we expect as a system, an educational system, from our employees is the same; that we expect them to be mature and professional and positive with our students, and we are all teachers, regardless of your class of employee.

BY MR. READY:

Q. You've already mentioned or we discussed at the very beginning the nature of dealing with threats in the school system. You've done a drill this morning.

When a threat is directly reported to you by a student or by anyone that a certain student is threatening others, what is the process for dealing with that?

Q118a

20

8 of 53 sheets

1 A. What type of threat?
2 Q. Let's say a -- I believe it to be a
3 threat of bodily harm.

4 A. We would pull the student who allegedly
5 made the threat for bodily harm into an area. We would
6 interview that person, the Administration, whether it's
7 me or here at the high school or the high school
8 Administration if it's a high school student.

9 Just for trying to narrow the focus,
10 I'll just use that it was a high school student. And
11 then we would seek to interview and do statements,
12 written statements from the students who allegedly were
13 the target of the threat.

14 Depending on whether that threat was
15 credible or not credible, whether it was -- in today's
16 world students, because of social media and movies and
17 video gaming, they tend to use words that there isn't
18 intent. So without intent, then it could be
19 disciplinary, it could be a referral to the Student
20 Assistance Team, it could be counseling services.

21 If it is a credible threat, we notify
22 the police, we file a report, not necessarily a charge.
23 We would, of course, notify the parents, bring the
24 parents in, and we'd have a meeting.

25 And then if it's a special education

21

1 child, then there's extra steps that we have to take
2 with that, as well.

3 Q. In that process you mentioned determining
4 if the threat is credible. If the threat is credible,
5 how do you determine if a threat is credible?

6 A. Through the investigative process. You
7 interview the witnesses. You look at video if there is
8 video. We do not have audio. We only have video in our
9 hallways and large group areas.

10 You talk to any adults that may be in
11 the vicinity. You get written statements from
12 students. You look into, was there prior issues with
13 that particular student, is this a pattern, is it not?
14 Was there a catalyst that incited the student to say
15 whatever the threat was? Did somebody infuriate him or
16 her that words just came out of their mouth which, in
17 today's children, is more second nature than it was,
18 say, ten years ago, which is the influence of, you
19 know, the video gaming and the epidemic and some of the
20 other pieces that we're dealing with in schools today.

21 It's really a full investigative
22 process. It takes a lot of time and a lot of
23 interviews, and then a lot of discussion about -- with
24 the Counselors, the Administrators, the School
25 Psychologists.

22

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2 And we have a formal Threat

3 Assessment Team that we run on a threat depending on
4 what the threat is and the nature of the threat.

5 Q. The ultimate decision of whether
6 something should be referred for discipline, whether it's
7 a threat or academic related or something else, does that
8 lie with you in the Oley Valley School District?

9 A. If it's not cut and dry -- like if we saw
10 you throw food in the cafeteria and it's on video,
11 buildings do that.

12 If it's anything that is larger than
13 that, we are a very small administrative team so we
14 talk all the time. So I consult with my Administrators
15 on an hourly basis sometimes regarding cases that they
16 have.

17 My job, in particular, depending on the
18 Administrator and their level of experience, is to work
19 through to make sure we're not missing any angles; have
20 you thought about this, have you thought about this,
21 what about this, have you talked to this person, have
22 you talked to that person, to make sure that we've
23 looked at it from all sides.

24 But I, as a commissioned officer in the
25 State of Pennsylvania, I am ultimately responsible for
the day-to-day operations of the School District, so

23

1 the ultimate responsibility or the buck stops at my
2 desk, so to speak, on all decisions.

3 Q. When you say you're a commissioned
4 officer, what do you mean by that phrase?

5 A. I am sworn in by a Judge or a -- mine was
6 a Judge. My swearing in was by a Judge at the
7 Courthouse, but there is an oath that we must take to
8 uphold.

9 Q. So I want to show you a document. I
10 believe you have your binder there in front of you.

11 I'm going to turn your attention to
12 Exhibit 17 and, for your reference, it's behind Tab 17.
13 Do you recognize this document?

14 A. It's Policy 220, Student Expression.

15 Q. And have you ever seen this document
16 before?

17 A. Yes.

18 Q. And you've read it and are familiar with
19 this document then?

20 A. Yes.

21 Q. What training do you or does the School
22 District, as an entity, provide in regards to this
23 document to teachers and Administrators?

24 A. It's one of the policies that are
25 reviewed. We send out a list of policies to staff every

24

1 year that they are to go over all the policies in the
2 Teacher's Handbook, which is reviewed annually. It's
3 also in a condensed version in the Student Handbook.

4 Q. And do you go over it at any meetings?
5 Is there — I don't know what you call them — but a work
6 day that you go over policies with teachers at the
7 beginning of a school year or during the school year?

8 A. At the opening of the school year at our
9 opening — building level faculty meetings they go
10 through the Student Handbook — the Teacher Handbook as
11 well as the Student Handbook.

12 Q. And in those meetings, how much time is
13 spent on this policy in training?

14 A. That would be a building decision 'cause
15 they go over some policies; they review them. Teachers
16 are responsible — it's part of their professional
17 responsibility to review policy and know policy.

18 Q. So you leave that, I suppose, the
19 training of it, to the building leaders. Is that
20 correct?

21 A. Correct.

22 Q. And who are — just to be clear, who are
23 the building leaders?

24 A. The building — head of the buildings are
25 the Principals.

25

1 Q. Understood. Who hired Stacy Lyons as
2 Director of the Drama Department?

3 A. The Board hires.

4 Q. Did you have involvement in interviewing
5 her?

6 A. No.

7 Q. Did you know her before she worked here?

8 A. She was employed in 2015/16 school year,
9 was hired by Dr. Michael Stauffer, who was the Principal
10 of the high school at that time.

11 I only knew Mrs. Lyons as the mother of
12 Ian Lyons, who was a — at that time a middle school
13 bass player. I did not know her theatre background,
14 and there were no records of her ever being employed
15 prior to that in the Oley Valley School District.

16 Q. You, yourself — I think you mentioned
17 that you have a background in music and theatre, as well;
18 correct?

19 A. Correct.

20 Q. Have you stayed involved with the theatre
21 department here as a result of your background?

22 A. Yes.

23 Q. And the decision to hire assistants, such
24 as Mrs. Hartenstine, that lies with Mrs. Lyons?

25 A. It lies with the building Administration.

26

1 Filed 12/25/19 with the Public at 7:218

2 A. Correct.

3 Q. I just want to clarify — I think we've
4 got this — but Mrs. Lyons is not a teacher; she is a
5 co-curricular leader?

6 A. Yeah, she's extracurricular. Theatre is
7 an extracurricular position. She is not a teacher and
8 she's not employed in any other capacity except the Fall
9 play director and the musical director.

10 Q. Okay. I want to turn your attention to
11 the events of March 21st, 2019. This is the day after
12 the School Board meeting at issue in this case.

13 A. Okay.

14 Q. There was a meeting in the auditorium
15 with the school show students. Do you recall that
16 meeting?

17 A. Yes.

18 Q. Do you know when you decided to call that
19 meeting?

20 A. I was instructed by the School Board on
21 Wednesday night to — the previous evening to meet with
22 the cast and crew to reiterate the fact that they had
23 heard what the students had stated and parents had stated
24 at the Board meeting; that the students needed to know
25 that they were heard, they were listened to, but that my

27

1 instruction was that I would be providing continued
2 oversight, because I had oversight of the theatre since I
3 started the investigation into the concerns being
4 expressed by the Ecks in February of 2019, and that I was
5 to meet with the cast and crew to set the expectations
6 for what the rehearsals were to be conducted as; that if
7 the drama and the gossiping did not stop I had authority
8 from the Board, seven of the nine Board of Directors, to
9 cancel the show.

10 And if anyone was going to continue to
11 be disruptive, then I had authority in which to remove
12 them from the show. Then I talked to the students
13 about being positive, about working together, coming
14 together.

15 They were three weeks — roughly three
16 weeks out from the opening of the show and that it was
17 a very difficult show, and they could pull it off, but
18 they needed to put all of their personal — when they
19 walk into the auditorium, much like when we go to work,
20 you have to leave your personal opinions at the door,
21 so to speak, and focus on the job at hand, getting the
22 show ready, making it the best it could be.

23 We believed in them. My door is always
24 open, told them where my office was here at the high
25 school, and that if they had any concerns or questions

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1 that they needed to come -- they could come see me, and
2 we would talk about that.

3 Q. So that was all discussed, I guess, at
4 the Board meeting on Wednesday night, March the 20th, in
5 an Executive session, I suppose?

6 A. Correct.

7 Q. So this was a session that was closed to
8 the public, and they instructed you to deal with the
9 students who were a disruption?

10 MS. O'DONNELL: Object to the form.

11 MR. READY: I'm sorry?

12 MS. O'DONNELL: That was not what she
13 was directed to do.

14 THE WITNESS: I was directed to meet
15 with the cast and the crew that were present at the
16 meeting and then to inform them that I would be
17 addressing the issues.

18 I was now their go-to for questions,
19 concerns; that I set my expectations for the show; that
20 they needed to -- as a theatre person I understand that
21 rumors happen, that we don't have to get along, but we
22 need to act together, put it aside, move forward; that
23 they were heard by the Board; that I would be looking
24 into the concerns that were expressed, but I needed
25 them to focus on the show, making it the best it could

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1 be, come together; that we believed in them, we were
2 behind them, but also that if there were continued
3 disruptions that I did have the authority to cancel the
4 show.

5 BY MR. READY:

6 Q. Okay. What sort of disruptions was the
7 Board concerned about?

8 A. Continually undermining and gossip.
9 There was a movement among some students to, as teenagers
10 do -- I don't know what your experience working with
11 teenagers are, but sometimes they get in their little
12 groups of friends and then the two groups of friends tend
13 to fight with each other or start rumors about each
14 other, and then we have to mediate the sessions. And
15 then we call them frenemies, so we're friends today but
16 we're not tomorrow, and then we're friends the next day
17 because they're teenagers and that's what young people
18 do.

19 And part of an educational system is to
20 teach those social skills that they need in order to
21 survive when they get into the real world 'cause I'm
22 sure, in your place of business, if you chose to do
23 that with your colleagues it wouldn't go over very
24 well.

25 So it's a life lesson that we are

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1 entrusted to teach, as well. Sometimes it's easier

2 than others, and when you're dealing with a cast of 70
3 people, cast, crew and pit, it does -- that's a lot of
4 personalities and everything from 9th graders to
5 Seniors who are -- have their own opinions, and they're
6 very much entitled to it, so we have to teach them how
7 to express those in a positive way.

8 Q. Did the Board, in that discussion, speak
9 with you about your authority to suspend students? Did
10 that come up in that discussion?

11 A. No. I'm granted the ability to suspend
12 students by School Code.

13 Q. I'd like to ask you to look at Exhibit 4.
14 And I'll represent to you this is an e-mail that was sent
15 by Mrs. Lyons on March the 20th, right after midnight on
16 March the 20th so early in the day.

17 Have you seen this e-mail before?

18 A. The first time I saw this e-mail is when
19 you sent it to me in your notice that you were Counsel.

20 Q. Would that have been our letter to the
21 School Board?

22 A. It was something that came in after you
23 represented the Ecks, and it was attached in that
24 document that you submitted. I had not seen it till that
25 point.

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1 Q. And you've had an opportunity to read it
2 since that time?

3 A. Yes.

4 Q. There are a couple of statements in here
5 that I want to ask you about. It mentions in the
6 beginning of the second paragraph, I have been working
7 closely with Dr. Shank and the Administration since
8 January.

9 In what ways were you working closely
10 with Mrs. Lyons since January?

11 A. After Mrs. Eck told Mr. Becker on or
12 about January 3rd, 2019, that she was very upset that her
13 student, Jordan, did not get the lead in the musical, and
14 she was very mad at Mrs. Lyons, and she wanted an apology
15 for her son for not getting the lead in the musical, then
16 Mr. Becker came to me about the concerns that were being
17 expressed about rehearsal times and getting out late and
18 some of the other casting decisions that were made.

19 So I met with Mrs. Lyons and talked to
20 Mrs. Lynch, who was the vocal pit director for the
21 show, to talk to them; do we have the rubrics, do you
22 have the spreadsheets for auditions and casting --
23 'cause that happened over Christmas break, so I was not
24 present in the building when that happened -- to make
25 sure that all the procedures for casting were done

1 according — you know, fairly, objectively, which they
2 were.

3 So I started doing my oversight and as
4 that continued on — and actually ended up with me in
5 February, early February of 2019 — then I started
6 doing oversight of the theatre myself with visiting
7 rehearsals, talking regularly with Mrs. Lyons, helping
8 — trying to help her to communicate more clearly with
9 students and their expectations and working with Mrs.
10 Lynch, who was doing vocals at that time, to balance
11 the discord between Jared and Jordan over who got the
12 lead in the musical.

13 And then I had met with Mrs. Eck, and
14 then I met with Jordan, and then I met with the
15 Mazeikas, and then trying to mediate this whole
16 situation to get them to understand casting decisions
17 were not made by one individual; they were made by
18 several individuals.

19 And this is what the advisor — it's
20 just like playing time — I don't know if you were an
21 athlete, but it was like playing time in field hockey
22 right now, not everybody is going to start, not
23 everybody is going to have equal playing time at the
24 high school level.

25 And sometimes we don't always

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1 understand why we didn't get the lead, but there are
2 reasons for that, and it wasn't a single person's
3 decision, and it wasn't based on one isolated moment in
4 time. So there were multiple discussions from that
5 point.

6 I was visiting rehearsals. I was
7 talking to Mrs. Lyons. I was in communication with her
8 on — some days on a daily basis, sometimes a weekly
9 basis depending on where they were and how much
10 snowstorms we had and how much we were in session.

11 And also making sure that things like
12 — I'm here a lot, so in the evenings when I'm leaving
13 at 9:30, 10 o'clock at night, I should not see students
14 on campus for a rehearsal. So they need to get out
15 earlier because the young people have homework, they
16 need rest, and they have to be in school the next day.

17 So I was making sure that we were
18 adhering to what my expectations were for theatre
19 rehearsals. And the schedule that was set was the same
20 schedule that we have utilized over the last three
21 years that Mrs. Lyons has been doing the shows here at
22 the high school. There was a Director previous to
23 that.

24 But I was also concerned about not
25 making rehearsals late. And, as you may know, students

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1 are on a junior license can't drive after certain
2 times at night, and I don't like them driving in the
3 wintertime, you know, when it's dark out because they
4 all think they're invincible so — behind the wheel of
5 a car, but they need to be home, you know, by 9:30.

6 Q. So I take it then some of the rehearsals
7 were going too long for that first couple months of the
8 spring show rehearsals?

9 A. I thought they were going — for the
10 first couple weeks of January, when they were getting
11 started and we were still making adjustments between the
12 athletes getting to practice and the athletic schedules
13 for winter sports and the work schedules and FFA
14 schedules, it takes a little while to get — when you're
15 dealing with that many students, to get all their
16 schedules and start and end times — because you report
17 to rehearsal based on when your character or when your
18 dance rehearsal is.

19 So kids are coming and going at all
20 different times, depending on what act or what scenes
21 they're working on. So choreography could be happening
22 in a lobby, where you could be on stage working on
23 Scene 2.

24 So there are different people running
25 different pieces, so students come and go at all

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1 different times.

2 It's not like an athletic rehearsal —
3 like you heard on the announcements — where you show
4 up at 5 o'clock and it's over at 7:30. Musical
5 rehearsals are established differently.

6 Q. So you did then discuss with Mrs. Lyons
7 that you felt that the rehearsal times needed to end
8 sooner?

9 A. Yes.

10 Q. The third paragraph of this e-mail she
11 says that: Dr. Shank let me know today that this
12 parent — that she had referred to earlier — is planning
13 on attending the School Board meeting tomorrow night at 7
14 p.m. in the high school library.

15 Do you recall that conversation with
16 Mrs. Lyons?

17 A. Yes. I was informed by a secretary, who
18 heard it from Mrs. Eck, that they were coming to the
19 Board meeting.

20 And for me — it is customary for me to
21 let a teacher, an Administrator or an advisor or coach
22 know if people are coming to the Board meeting to speak
23 either positively or negatively — or, in this case, I
24 had no idea what it was going to be — just as I have a
25 responsibility to inform the Board that a parent may be

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1 coming to talk about an issue in a classroom and
2 whether they show up or not — sometimes they do,
3 sometimes they don't — but it is a communication that
4 is part of my general practice.

5 Q. Were you aware that Mrs. Lyons was going
6 to rally some parents to come to the School Board?

7 A. No, I was not.

8 Q. You've already said you hadn't seen this
9 e-mail until we provided it to you, so I take it you
10 didn't approve of the content of this e-mail?

11 A. No, I did not.

12 Q. I want to back up to the first paragraph
13 here. She mentions in the — I think it's the third
14 sentence, actually: Unfortunately, the situation has
15 escalated to the point that this student posted something
16 against another student and the police were called in.

17 Were you aware of the circumstances of
18 this claim about a police report?

19 A. I knew from the Guidance Counselor and
20 Mr. Becker that there was a Snapchat video that was
21 posted outside of school about fruit that Jared was
22 allergic to, that all the students knew that he was
23 allergic to the fruit that was chosen in the video.

24 I had not seen the video. Mrs. Eck had
25 offered to show it to me on her personal cell phone,

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1 which I declined because I don't look at people's cell
2 phones, personal cell phones, but I had not seen it.

3 I know there was a concern from Mrs.
4 Mazeika about her student — her child's safety because
5 of other issues that had been going on outside of
6 school.

7 And we are — our practice here in the
8 District has been if we know that a parent is going to
9 call the police about an issue, we do give them a
10 heads-up as a customary professionalism to let them
11 know that Parent A may be calling about this.

12 Sometimes they do follow through,
13 sometimes they don't, but it's our working relationship
14 with the police — just as you saw this morning with
15 the fire alarm, the fire company shows up in their
16 pickup truck just to assist us whenever needed. That's
17 part of — one of the positives of being in a small
18 community.

19 So we would do that just as an FYI. We
20 did not file charges. We didn't have anything to do
21 with that other than, hey, this phone call may be
22 coming your way, it may not be.

23 Q. Do you know who told Mrs. Lyons that the
24 police had been called in regards to this incident?

25 A. No, I do not.

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2 A. No, I didn't tell her that.

3 Q. I take it that's not something that would
4 typically be passed on to a co-curricular leader.

5 A. No. That we would consider our
6 confidential information.

7 Q. Do you agree it should not have been
8 shared with other parents in the drama program?

9 A. That information — I don't know who this
10 e-mail went to, so I don't know if it went to one person
11 or 75 people. I can't answer that question.

12 I don't know her motives. You would
13 have to speak to her about that.

14 Q. But do you agree that it was not
15 appropriate to share this information with one or 75
16 people who were not the Eck or Mazeika families?

17 A. It's not mine to judge.

18 Q. So you agree that it's confidential
19 information that shouldn't be shared with —

20 A. Administratively, it's confidential
21 information we do not share. What you would choose to do
22 with it, that's you.

23 Q. So if this information leaks one way or
24 another, then you wouldn't have a concern about a teacher
25 or co-curricular leader then further disseminating that

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1 information, as long as the Administration was no longer
2 involved in the leaking?

3 A. Not necessarily.

4 Q. So why — you say it's not yours to
5 judge, but, I mean, if it's confidential information then

7 A. Our police reports, we don't go and
8 broadcast them over the PA system. So I don't know who,
9 whether Mrs. — I don't know from this e-mail whether
10 Mrs. Mazeika, who then called the police, told Mrs. Lyons
11 and what that conversation may or may not have looked
12 like, whether she heard it on the grapevine, whether she
13 was at Dunkin' Donuts and heard it there.

14 I can't judge a situation without
15 further information, and your questions are not giving
16 me information in order to answer your question.

17 Q. Okay.

18 A. Does that make sense?

19 Q. Yeah. For a moment I'm going to step
20 aside from how she learned it. You would agree that she
21 shouldn't pass on information that she knew or should
22 have known was confidential?

23 A. I don't know the reason why she chose to
24 pass it on. I don't know — like you're asking me to
25 assume facts that may or may not be accurate.

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1 ~~she may be, hypothetically speaking, Mrs.~~
2 Mazeika may have said, Mrs. Lyons, will you share this
3 with the cast and crew? I don't know if that happened.
4 I don't know what that conversation -- I don't know
5 where she got the information.

6 I would need more detailed, factual
7 information before I can answer the question.

8 Q. Let's assume that Mrs. Mazeika did share
9 it. Is that okay for her to then to pass on to parents
10 who are involved in the school show?

11 A. If Mrs. Mazeika authorized the fact that
12 she called in the police, which Mrs. Mazeika did, and
13 says that to Mrs. Lyons, I want you to communicate this,
14 then Mrs. Lyons would communicate that because the parent
15 requested to share her personal information about the
16 video.

17 But I don't know if that's factual or
18 not, so you're asking me to make an assumption based on
19 -- it could be accurate or inaccurate information.

20 Q. Okay.

21 A. I don't know what that would have looked
22 like.

23 Q. So you're saying, though, it's okay for
24 her to pass on this confidential information if a parent
25 asks her to do so?

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1 A. It would be no different than passing on
2 medical information about a child.

3 Like we have a student with cancer
4 right now. We cannot release that information until
5 the parent gave us authorization in which to release
6 that to the faculty.

7 Q. So that's a good example. Let's assume
8 that it's a parent not of that student but another parent
9 who says, I have learned that, you know, Student A has
10 cancer; my student, Student B, wants everyone to know.
11 You would agree that shouldn't get passed on to other
12 parents in the school; right?

13 A. Without that parent -- without the
14 particular parent of that particular student's
15 authorization, that's -- to me that would -- I would not
16 -- if somebody asked me that question, I would not
17 authorize the release of that information until you, as
18 the parent, says it's okay to talk about my child to
19 other people's children.

20 Do you follow me?

21 Q. Yes. So, in other words, in this
22 instance we have a claim that Jordan was threatening
23 toward Jared in some way, that he posted a video against
24 him online, and now it gets passed on without Mrs. or Mr.
25 Eck or Jordan's approval or knowledge.

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1 You would agree that that is an

2 improper release of confidential information?

3 MS. O'DONNELL: I'm going to object
4 because --

5 THE WITNESS: There's no names.

6 MS. O'DONNELL: -- right, there are no
7 names.

8 THE WITNESS: There's no names in this.

9 So if you don't even -- if you're a parent of a
10 freshman -- and I'm just saying, you know, an
11 example -- if you're a parent of a freshman and you
12 don't know anything about this alleged Snapchat video
13 and you got this e-mail, you wouldn't have any clue if
14 that was Jared or Jordan.

15 BY MR. READY:

16 Q. Okay. However, this e-mail does go on to
17 say that this is all because one student was not cast as
18 Jack, which, as you said, was something that most of the
19 cast was aware of.

20 A. But there are also many students who
21 tried out for Jack that were not cast as Jack.

22 Q. So you don't believe, based on this
23 e-mail, that it was clear who was being referred to?

24 A. I can't answer that because I know who it
25 referred to because I have been dealing with this case

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1 since January of 2019. I can't say what a freshman
2 parent is going to say, who doesn't have the information
3 that I already have.

4 So you're asking me to try and make a
5 hypothesis on something that I can't answer because I
6 have too much information.

7 Q. Okay, that's fine. I want to make sure I
8 understand. You don't have a problem with the release of
9 this information in this e-mail as a, per se, matter,
10 without knowing more. You're not concerned about the
11 release of a claim that the police were called in on a
12 student for posting a video against another student?

13 A. That's factual. That's a factual
14 statement. Just as it's factual in here that a parent is
15 friends with Mrs. Zackon, who is a School Board member,
16 who was helping to fuel the fire. That is a factual
17 statement. Mrs. Zackon was fueling the fire.

18 Q. Well, of course, that's -- that she's
19 helping to fuel the fire is a statement of opinion, but I
20 think I understand what you're saying.

21 A. That's fact. That's not opinion. She
22 was fueling the fire. I can tell you that 'cause I deal
23 with the Board.

24 Q. Sure. Tell me what you mean by that
25 then.

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1 Well, because it was made very clear
2 between Jordan and Vinny that Dr. Markley, a Board
3 member, and Mrs. Zackon, a Board member, were behind
4 working with them in March against Mrs. Lyons. That all
5 came out.

6 Q. When you say working against Mrs. Lyons,
7 could you explain what you mean?

8 A. Because Mrs. Zackon is friends with Mrs.
9 Eck. And Mrs. Zackon believes that Jordan should have
10 gotten the lead. So, therefore, she sided with Mrs. Eck
11 against Mrs. Lyons.

12 Dr. Markley, who is a former High
13 School Principal, had an issue with Mrs. Lyons's older
14 daughter, Sydney, who's now in theatre on Broadway in
15 New York, and claims that she was a Director at a time
16 that she wasn't even a Director. She was not an
17 employee of the School District prior to the '15/16
18 school year.

19 So he's referring to Mrs. Bortz, the
20 previous Director, in his communications in a public
21 meeting, speaking that it's Mrs. Lyons and it's not.

22 And then he worked as the High School
23 Principal with the older Eck brother and sister, who I
24 don't know because they graduated before I came, and
25 also with the older brother or sister — I don't know

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1 them — of Vinny Ferrizzi.

2 So he knows the families from his
3 15-year tenure as High School Principal, so there's a
4 personal connection with two of your clients. So they
5 were working and talking to them because Mrs. Zackon
6 had said in a public meeting that she had been talking
7 with Mrs. Eck.

8 And then the e-mail that you produced
9 to me is like, okay, here it's confirmed again, my
10 suspicion of where some of the undercurrent and why I
11 started losing control of what I was mediating on a
12 day-to-day basis and getting the young men to come
13 together to understand all people are important.

14 All roles are important, nobody
15 functions in a show independently, there are multiple
16 leads, there are multiple reasons in casting. And
17 getting all of this started to settle down again and
18 mediating between Jordan and Jared, and then it would
19 spike, and then it would start to calm down again, only
20 to find out that the whole thing about coming to the
21 Board meeting on the 20th — or whatever day it was,
22 21st, I can't even remember anymore — was set up
23 because the Ecks were led to believe that night that
24 the Board was gonna fire Mrs. Lyons.

25 So the Board went into Executive

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1 session — I'm probably crossing lines right now,
2 but —

3 MS. O'DONNELL: You're under oath.

4 THE WITNESS: The Board went in
5 Executive Session to discuss what the students and the
6 parents had said, positive and negative, because
7 everybody is entitled to their opinion. They went in
8 to talk about some of the pieces.

9 I got grilled about what I was doing to
10 supervise. I laid out everything that I had been
11 doing. I laid out all of my supervisory — my
12 communications, my directives, all of that stuff, which
13 was then summarized after that meeting to Mrs. Lyons;
14 that all of those conversations went on in Executive
15 session.

16 Meanwhile, Mrs. Eck and — I don't
17 remember the other parents that waited in the
18 hallway — waiting for a decision from the Board to say
19 why isn't she getting fired; we were told by two Board
20 members she was getting fired. But they had no
21 intention of firing her.

22 The advisor position for a musical is a
23 one-year appointment. So every year we post, every
24 year — if you want to apply next year, it'll be posted
25 in May, you're more than welcome to join us to do the

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1 theatre — or come in and you can do some civics
2 lessons for us. But to do those pieces, you know —
3 and I had said to Mrs. Eck, if you have someone else
4 that wants to do it, have them apply.

5 We don't usually get many people 'cause
6 for 3, \$4,000 you're gonna give up months and nights
7 and weekends of your life. It's like coaching. You
8 can't find people to do it anymore.

9 But part of that — all of that came
10 out of that discussion. So we thought — and the Board
11 was pretty clear that we heard you that night, we will
12 take it under advisement.

13 We went into Executive session. I laid
14 out what I had been doing, all the oversight, all the
15 supervision, all of the dialogue, all of the pieces,
16 trying to get it settled.

17 And then they went out of Executive
18 session. The parents were still in the hallway. They
19 were like why is she not — what's their action? We
20 don't take action after Executive Session when our
21 meetings are — our Execs are at the end of the meeting
22 'cause we adjourn the meeting and then go into
23 Executive Session, so there can't be action without
24 reconvening, as you're probably aware.

25 So then that was — my marching orders,

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 1 so to speak, were very clear, and that's what I ended
 2 up putting in play the next day with the cast.

3 BY MR. READY:

4 Q. I want to turn your attention now to what
 5 is marked as Exhibit — I'm sorry. I want to follow up
 6 on one other thing you said. You said, I don't look at
 7 personal cell phones.

8 A. I don't.

9 Q. Can you explain that?

10 A. When you start looking at what's on
 11 somebody's personal cell phone in your capacity as an
 12 Administrator, you start to cross lines.

13 Like if you have pictures of your
 14 children in your phone, that's one thing. But if
 15 you're trying to show me something on your personal
 16 cell phone that — I don't know whether it was
 17 doctored, whether it was shopped, photo-shopped or
 18 whatever the latest, greatest technology is — I would
 19 rather hear it from Mrs. Lyons or from someone who
 20 actually sent it.

21 We have access, of course, to
 22 everybody's e-mail, proxy access. We can look at
 23 anything anytime. I would rather take it from the
 24 source than through this parent to this parent to this
 25 parent.

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1 Q. So the video that was at issue, the fruit
 2 video as we're referring to it, you didn't watch it at
 3 any time, did you?

4 A. Not until you showed it on Monday.

5 Q. In the deposition of Mr. Becker?

6 A. Correct.

7 Q. You've seen that video now. I don't
 8 think I need to show it to you again.

9 A. Correct.

10 Q. Do you agree that that video does not
 11 contain a threat against any third party?

12 A. That video, when I saw that on Monday,
 13 demonstrated how immature Jordan is.

14 If you look at the sequence of events
 15 between Jared and Jordan through the course of the
 16 January through March time frame and the fact that
 17 Jared's — Jordan's mother was at the dance studio.
 18 Allegedly, Jared had claimed that Mrs. Eck was at the
 19 dance studio waiting for him to come out, and Jordan
 20 was not at dance practice that night; that he was
 21 fearful because of some of the issues that had been
 22 going on between the boys outside of school.

23 People knew that he's allergic to the
 24 fruit that was chosen in the video. I could understand
 25 why a parent would be fearful for their child when you

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 1 put the sequence of events together.

2 If you're looking at the video in
 3 isolation, it's very immature for a Senior. And I
 4 think it's inappropriate to post something like that
 5 because the kids need to realize that whatever's on
 6 social media never goes away.

7 Q. What is inappropriate about it?

8 A. It's just immature for a Senior.

9 Q. It's —

10 A. It doesn't reflect well on his academic
 11 intellect or his ability. It was very childish.

12 Q. Some people say that about puns
 13 generally, but I assume you really mean specifically that
 14 you believed — well, I don't want to say why.

15 You're saying it's inappropriate, it
 16 doesn't reflect on his intellect. I mean, is it the
 17 puns? Is it just the flirty nature of it? What is it
 18 that you felt was inappropriate?

19 A. I just thought that for someone who is as
 20 intelligent as he is — and he is a nice, young man and
 21 he had such a bright future.

22 And someone who is going into the
 23 theatre, having known — been in a theatre background,
 24 my brother played off Broadway, I have known a lot of
 25 people in the theatre — if they saw that, it would not

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1 reflect on who his character truly is.

2 Q. Do you perceive it as a threat against
 3 Jared Mazeika?

4 A. It's not for me to judge. I'm not the
 5 parent. My child is not allergic to those particular
 6 fruits. My child was not at a dance studio when another
 7 parent showed up, without her student being at the
 8 rehearsal.

9 Some of the other issues that the two
 10 young men had had over the course of the time — I'm
 11 not in Mrs. Mazeika's shoes in order to make the
 12 judgment of whether that's — my son is being
 13 threatened by that or not.

14 Q. Did you ever speak with Jordan about this
 15 video or about the concerns that Ms. Mazeika had about
 16 Jordan and Jared?

17 A. Can you rephrase that?

18 Q. Sure. After Jared — let me back up.
 19 When did you first learn about the fruit video?

20 A. From Mr. Becker.

21 Q. And about when was that?

22 A. I think they called — met with Ms.
 23 Borovik that morning. And Mrs. Eck or Mrs. Mazeika came
 24 in — I don't remember the whole sequence of events, but
 25 I think it was later that same afternoon he gave me an

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1 update on what had happened in the morning.

2 Q. This was the day before the Board meeting
3 on the 19th?

4 A. I'd have to check but maybe on or about.

5 Q. And did you at that time seek to speak
6 with Jordan Eck?

7 A. No.

8 Q. Why not?

9 A. Because I, for one, was getting ready for
10 a Board meeting, and I had other responsibilities that I
11 needed to adhere to, as well.

12 I did -- had given a directive that no
13 one was to meet with Jordan, Jared or Haley alone or
14 their parents. There needs to be at least two
15 Administrators or a Counselor and Administrator present
16 in all discussions.

17 I did not see -- Mr. Becker had handled
18 it and Mrs. Borovik had handled it, and I didn't see
19 any need for me to follow up on what they had done.

20 Q. Now, I'll turn your attention to
21 Exhibit 16.

22 MS. O'DONNELL: 16?

23 MR. READY: 16, yes.

24 BY MR. READY:

25 Q. This appears to be a memo that you

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1 drafted and sent to Mrs. Lyons the day after the School
2 Board meeting.

3 A. It was drafted the day after the School
4 Board meeting. It was sent to Mrs. Lyons after approval
5 by our Solicitor on or about March 28th, 2019.

6 Q. And it says here at the first paragraph:
7 As a follow-up to our conversations regarding the
8 concerns expressed by several students and
9 parents/guardians throughout the Spring 2019 musical
10 rehearsal season, I will be summarizing the expectations
11 in this memo.

12 This references previous conversations,
13 and I think you may have already described those. Is
14 that what you were discussing earlier?

15 A. Correct. What I wanted to do was to
16 summarize my conversations with her from -- beginning in
17 January, as I stated earlier, up through and including
18 March 21st so that there would be very clear expectations
19 articulated so that there wasn't any question as to what
20 I meant in my communications.

21 They had been verbal to that point, a
22 few e-mails here and there, but most of it was
23 conversations before or after musical rehearsals. But
24 I wanted to make it very clear what my expectations
25 were.

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1 Q. Was there anything in this memo -- and I

2 believe it's 11 points -- was there anything in this memo
3 that you had not already previously discussed with Mrs.
4 Lyons orally, I should say?

5 A. I had not talked about communications--
6 being copied to Administration. That was something that
7 came out of the e-mail that you just referenced.

8 Q. And that's No. 2?

9 A. Yes.

10 Q. Okay.

11 A. So I wanted to make sure that we were
12 copied on communications so that if something were sent
13 that was questionable, I at least would have eyes on it.
14 So that came out of that -- that one.

15 (Witness viewed document.)

16 And No. 11, that the applications for
17 the Drama Club scholarship provided to the
18 Administration, that was not previously discussed at
19 that point.

20 And the only reason I included that is
21 because of the concerns raised by Jared and Jordan and
22 other Seniors; that when the applications of the
23 probably 12, 14 Seniors that we had last year came in
24 that they would be evaluated by more than just one
25 individual.

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1 Q. And you've had the opportunity just now
2 to read through all 11 points. So as you recall, No. 2
3 and No. 11 are the only ones that you had not previously
4 discussed -- the only two you had not previously
5 discussed with Mrs. Lyons orally?

6 A. To the best of my memory, yes.

7 Q. The applications for the Drama Club
8 scholarship, did you receive those?

9 A. I received them in late May.

10 Q. And who applied for the Drama Club
11 scholarship?

12 A. There were two students.

13 Q. And who were they?

14 A. Jared and Jordan.

15 Q. And who received the scholarship?

16 A. No one.

17 Q. Why is that?

18 A. Because both essays, as we read them,
19 were not well written. Their reference letters were not
20 directed to the scholarship. They were the general
21 reference letters that they used for the college
22 application process.

23 Both students' essays were equally,
24 shall I say, poorly written. So -- and there was one
25 scholarship for two people. And, given the events of

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1 January through April of 2019, it was decided that
2 neither student would be awarded the one scholarship.

3 And it was not the only scholarship we
4 did not give last year. So there were other Senior
5 scholarships that were not awarded.

6 Q. What other Senior scholarships weren't
7 awarded?

8 A. I'd have to check the list, but I can
9 think of two that, off the top of my head, we did not
10 have students either apply for or qualify for. But I
11 would have to get the list from the high school 'cause
12 that was May and -

13 Q. Sure.

14 A. - and we give a ton of scholarships.

15 Q. How many do you give?

16 A. We have probably close to a hundred
17 thousand in scholarships about every year.

18 Q. I'm sorry to interrupt. Out of the Oley
19 Valley School District?

20 A. Yeah, and our local community support.
21 Our big ones are through the Foundation, which are 2500
22 to \$3,000. But there are some smaller ones, like the
23 Reifsnnyder, sometimes the Mark Oswald. I don't think we
24 gave the Channing Mauger scholarship last year to a
25 Senior 'cause they didn't meet the requirements.

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1 So we don't give them all every year.

2 Q. I'm correct in saying that Jordan and
3 Jared both met the requirements for this scholarship;
4 correct?

5 A. To my knowledge, they were in Drama Club,
6 they wrote the essays, they provided the letter of
7 references.

8 Q. Would this be the only scholarship from
9 last year that wasn't awarded, not because of lack of
10 application or qualification, but because of extenuating
11 circumstances?

12 A. I can tell you that there were students
13 who did not receive scholarships, who may have submitted
14 applications for other scholarships that, based on their
15 Senior year, whether it be discipline, academic
16 achievement, may have met the requirements for community
17 service but were not awarded the scholarships.

18 Q. Do you know how many years the Drama Club
19 scholarship has been awarded?

20 A. At best, maybe two, three at max. It's a
21 newer scholarship.

22 Q. Since the first year it was given, has
23 there ever been another year where it was not awarded?

24 A. To my knowledge, it has only been two,
25 three years, so I would say they haven't been around long

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1 enough to not be given a second time.

2 But I can tell you that if there is
3 nobody that applies this year and nobody qualifies, the
4 same procedure would be followed because I have stated
5 that the Administration will review application
6 scholarships this year, as well. That's become our new
7 protocol.

8 Q. Okay.

9 A. And it is consistent with all of our
10 scholarships. So if you want to offer a Cornerstone Law
11 Firm scholarship, it comes to us, Guidance presents it to
12 the Administration, the Administration has final say on
13 the essays that you would want to present to support it.

14 Q. And do you know the total of the
15 scholarship that's awarded for the Drama Club?

16 A. No, I do not.

17 Q. You attended the - I think you've
18 already said this - the Oley Valley School Board meeting
19 on March 20th.

20 A. I'm required to be there.

21 Q. I know that there were a number of
22 students who spoke at the meeting, not just our three
23 Plaintiffs, but other students as well. Is that right?

24 A. Positive and negative.

25 Q. Were there any students who were unruly

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1 or disruptive?

2 A. Vinny.

3 Q. How was he unruly or disruptive?

4 A. He overacted his speech, which is Vinny,
5 if you - as you have met him - very passionate young
6 man but immature.

7 But he sat down at one point and
8 another student came up to speak or a parent - I don't
9 remember off the top of my head which it was - who
10 didn't say things that he agreed with, and he got up
11 and was yelling some things, and then his father
12 actually got up and removed him from the room. I
13 believe it was his father.

14 Q. Do you remember what he - this was
15 during someone else's speech, you're saying?

16 A. Yes. He got up and interrupted, and then
17 they - whoever, his father maybe, I think it was,
18 actually escorted him from the room.

19 Q. Do you remember what he was yelling?

20 A. No.

21 Q. What about Jordan or Haley? Were they
22 disruptive?

23 A. In their speech to the Board?

24 Q. At any time.

25 A. During the meeting?

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Q. Yes.

A. No. The Board let them speak as long — usually we have a five-minute limit. We didn't hold to that. We gave them every opportunity to speak.

When Vinny stood up and interrupted someone else — but the Board did not or the Solicitor, who's present, who really kind of runs, you know, public comment, did not — we did not have to address him from the Board's side. His parent — I believe it was his dad; I could be wrong on that — but got up and removed him because he knew he — the outburst was not appropriate.

But outside of that it was a very civil night. Everybody spoke their piece, every — positive, negative, the students and the parents that were present.

In my opinion, having done this for a very long time, it was more — the more civil public comments of discord, positive and negative, that I have sat through over the years. I've been, you know, in the central office for almost 20 — I've been an Administrator for almost 22 years now.

I have seen them where the audience turns on each other or people interrupt on a regular basis or language. The Board meeting was in no way

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1 like that.

And the Board gave them the courtesy to actually extend their time. Public comment ran from about 7:15 to about 8:40 that night. Usually we don't go more than 20 minutes in public comment, and then they shut it down 'cause that's what policy states.

But they afforded them every opportunity to say — and even some of them got up a second time if there was something that they forgot and the Board allowed them to do that, as well, to try and open up the dialogue as much as we could.

Q. Do you remember who got up and spoke a second time?

A. I don't remember offhand 'cause there were so many people in the audience and speaking or reading a letter on behalf of someone who couldn't be there.

Q. Do you remember — maybe you don't — do you remember how many students spoke that night, roughly?

A. No.

Q. Did Jordan, Haley or Vinny speak a second time?

A. I don't remember.

Q. So later that evening I understand you became aware of a discussion that had happened between

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Jordan, Mrs. Lyons, Maria Jones and Ms. Hartenstine in the hallway after rehearsal.

A. Well, there were two discussions I became aware of. One was with Vinny in that group — I don't know if Mrs. Jones was present or not — and then a second one by Jordan.

Q. So the conversation with Jordan, when did you first — who first approached you about that conversation that happened?

A. I was coming out of Executive Session, trying to go back to my office to go home when Mrs. Jones came and got me and asked me — and stated that Mrs. Hartenstine wanted to speak to me, that she was very upset about the way Jordan had treated her and spoke to her, and that she felt threatened and intimidated.

And I'm like, okay, I'll be right there. So I dropped my items in my office, went down to the auditorium to find out what had happened and, basically, at that point started running an investigation into the fact that Jordan's behavior after the Board meeting — 'cause I can tell you that he spoke very well during the Board meeting.

But after the Board meeting he wanted to have a conversation after Vinny spoke to Mrs. Lyons and that it did not go well.

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Q. Let me back up. Do you know what time, roughly, you got out of Executive Session that night?

A. Not off the top of my head, no.

Q. Your office is — this is all — everything that we're discussing happened in this building that we're in right now. Is that right?

A. Administrative offices are in the high school.

Q. So we're here in the high school, and so the path — the walk from the library where the School Board meeting was held to your office, how far is that, roughly?

A. One hallway.

Q. And then from there to the auditorium is?

A. Down one — maybe 20 yards, 30 yards.

Q. These are all within five minutes of each other. Is that fair?

A. Three minutes between classes. You can get from here to the auditorium in less than three minutes.

Q. So you came out of Executive Session. You were told — and I'm sorry — by whom?

A. Mrs. Jones came.

Q. Mrs. Jones. And she said there had been a confrontation. Is that what she said, or how did you

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1 put it? Case 5:19-cv-01873-MAK Document 46-1 Filed 11/25/19, Page 133 of 218
 2 A. That there had been -- that Mrs.
 3 Hartenstine was very upset, that wanted to speak to me,
 4 that she was threatened and intimidated by Jordan, and
 5 she wanted to talk to me right away.

6 Q. And you went and spoke with Mrs.
 7 Hartenstine at that time?

8 A. I spoke to everybody who was present or
 9 near that discussion that occurred in the hallway between
 10 the individuals that you had mentioned earlier.

11 I also spoke to the custodian, who was
 12 originally present. And then both -- the custodian
 13 walked away when it started to get heated because he
 14 did not feel it was appropriate for him to stay in that
 15 environment.

16 Q. Who is the custodian?

17 A. Jared Ott.

18 Q. And --

19 A. You will see him on the video.

20 Q. Okay. And who else did you speak to that
 21 was present? Ms. Hartenstine, Ms. Jones, Mrs. Lyons; Is
 22 that right?

23 A. Correct.

24 Q. And then did you speak to anyone else?

25 A. I didn't speak with Jordan until the next

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1 day because he had left for the evening.

2 Q. How long did your conversation with Ms.
 3 Hartenstine go?

4 A. Oh, I think it was probably -- between
 5 interviewing all of them and getting all the facts on
 6 that evening, I think I didn't leave here till probably
 7 12:30, quarter of 1.

8 Q. And do you recall -- Ms. Hartenstine told
 9 you that she had been -- that she felt threatened?

10 A. Correct.

11 Q. Did she say why?

12 A. Because Jordan would not stop coming at
 13 her. I don't remember the exact words that she used at
 14 this point, but she felt that she was verbally accosted
 15 because he kept trying to insinuate that she was a liar,
 16 and that she should be comforting him because he didn't
 17 get the lead and because that he -- he wants an apology.

18 And she -- I guess there was -- I was
 19 not here when Mrs. Hartenstine was in high school, so
 20 this is her version of my investigation in talking with
 21 her; that I guess when she was in theatre in high
 22 school there was a student who she thought she would
 23 get the lead and the other student got it, much similar
 24 situation, and those two were friends and how they
 25 worked through their friendship.

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And then Jordan kept coming at her,
 2 well, weren't you needed to be comforted, weren't you
 3 upset, weren't you disappointed? And he would not
 4 stop.

And then he was agitated and getting
 6 more verbally aggressive at her that she felt that she
 7 was intimidated, that she was being threatened, that
 8 she had never been treated by a student like that
 9 before as a professional staff member and that -- and
 10 she was actually in tears during the conversation with
 11 Jordan because he would just not stop coming at her,
 12 trying to get her to admit to something that she kept
 13 saying that's not accurate.

14 Q. So was it your understanding at that time
 15 then that she felt physically threatened by Jordan?

16 MS. O'DONNELL: Object to the form.
 17 She didn't say physically. No one said physically.

18 THE WITNESS: I didn't say physically.
 19 BY MR. READY:

20 Q. And I didn't say that you did. Was it
 21 your understanding at that time that she felt physically
 22 threatened by Jordan?

23 A. She was verbally, not physically.

24 Q. So it wasn't your understanding of your
 25 conversation with Ms. Hartenstine that -- it wasn't your

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1 understanding that she felt like she was in some sort of
 2 imminent physical threat from Jordan?

3 A. No. She was intimidated. She felt
 4 verbally threatened by him. He would not stop coming at
 5 her.

He was angry. He was agitated, by his
 7 own admission when I met with him the next day. Arms
 8 crossed, hands -- fists clenched, shifting weight, eye
 9 rolls, head rolls, like all the nonverbals that you can
 10 tell when someone is agitated and upset and angry.

11 So that, combined with his words to
 12 her, that's where she felt threatened and intimidated.
 13 And she believed that he was calling her a liar, and
 14 that she should side with him against Mrs. Lyons, and
 15 he needed an apology and that whole conversation.

16 And she was actually in tears during
 17 the conversation with Jordan.

18 Q. I'm going to direct your attention to
 19 Exhibit 1, and I believe you've seen this before. This
 20 appears to be Ms. Hartenstine's letter to you that
 21 evening, March 20th, 2019.

22 A. Correct.

23 Q. You asked her to write this; correct?

24 A. Any time that we do statements and
 25 investigation, yes, I want it in writing so that I don't

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20 of 53 sheets

misinterpret. And that's why, like in the last paragraph, the lack of respect that Jordan has shown towards me, as a dedicated teacher, will not be tolerated any longer.

It did come out in conversation with Mrs. Hartenstine that Jordan had been not — his difficulty controlling his emotions and getting agitated or angry at different points up to this point in the musical but this evening, as she put into writing, is that he wanted — the nature of the conversation and how she felt that she was not treated — she was threatened and disrespected.

Q. This, I take it, was — this interaction was sort of the trigger for the discipline of Jordan Eck. Is that right?

A. He crossed the line that night.

Q. Okay.

A. You can have a conversation and you can agree to disagree, just as Vinny did that evening. He met with Mrs. Lyons and Mrs. Hartenstine prior to this conversation with Jordan, and that was a very — they agreed to disagree, and then Vinny thanked her and then very calmly, you know, went home for the evening. They could agree to disagree, walked away, did not cross the line.

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When Jordan chose to get agitated and angry and his nonverbals, as well as coming at — that the teacher felt disrespected and threatened over not getting the part and he couldn't believe it, that she wouldn't be upset when she didn't get the part when she was in high school and needed to be comforted and kept coming at her, he crossed the line between a civil discourse in conversation and disrespecting a professional staff member.

Q. When you say coming at her, what —

A. Verbally. Not physically, verbally.

Q. So he kept asking her questions, I guess. Is that right?

A. Over and over again and getting more agitated. And it probably went on a whole lot longer than it should have.

Like a student — if a student says to you that, you know, I want to go to the office and you say, please wait until you've finished your test, and then they ask you again and they ask you again, and they're getting louder and more agitated verbally, then they're gonna cross the line.

As a professional, they need to do what you asked them to do and please stop. He did not stop. He kept going and going and going to the point where he

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had her in tears.

Q. I'm going to show you a video that I think you've seen. This is the surveillance footage —

A. That's correct.

Q. — In the hallway that night. You've seen this; correct?

A. Yes.

Q. Let me first ask, when was the first time you watched this footage?

A. Probably within a couple days of the actual event.

Q. That would have been after Jordan had been suspended; correct?

A. Right, because it was verbal. We don't have audio on our cameras. There was no physical threat or physical altercation.

Q. So as I point to this video I'll ask you — maybe you can tell us — is there a point in this video where his physical conduct would be an example of what you're talking about?

A. When you put his verbal words — he did not like approach her in proximity or any of those things.

When you put the verbal aggressiveness and the non-stopping of his communication with his

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nonverbal behaviors of clenched fist, folded arms, shifting weight, leaning back on the wall, the eye rolls, you put all of those into an immature 17-year-old, that part is part of his communication.

He did not like come at her. He did not go up and put — you know, stand two inches from her.

MS. O'DONNELL: Lunge, I believe, would be the word.

THE WITNESS: He did not lunge at her, none of those pieces. It was his verbal behavior, compiled with somebody's nonverbal behavior. Because, just as you know, somebody's nonverbal behavior is a reflection of what's coming out of their mouth a lot of times. So if somebody is getting agitated and angry, their nonverbals will reflect that.

He shifts his weight a lot, which a lot of people do when they get angry, but he did not lunge at her, he did not walk towards her. He didn't do any of those other pieces.

This was his choice of words, his choice of the fact that he did not stop and actually had a teacher in tears because he was relentless in his communication, to the point where she says that she felt threatened and disrespected.

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1 And it was confirmed by Maria Jones,
2 who witnessed it, and Stacy Lyons, who I talked to last
3 because I was actually giving her less credibility into
4 the perception of it.

5 But when you have the Board Secretary,
6 who doesn't know anything about anything, what had been
7 going on, was a very perceptual and intelligent person
8 who is reading it, that the nonverbals and that — and
9 that he crossed the line.

10 So everything did confirm. And I think
11 if you watch the video, you can see that his arms do
12 cross, he is clenching his fists.

13 MR. READY: What I'm going to do here
14 because I realize we don't — give me one second.

15 (Short pause.)

16 MR. READY: I'm going to play this
17 video and it's on, roughly, triple speed, and I want to
18 see if we can point out the examples of the body
19 language that you are referring to.

20 (Video played.)

21 BY MR. READY:

22 Q. So I see him shifting his weight here,
23 and we are at roughly a minute 40. Is that what you're
24 referring to in terms of his actions?

25 A. When you deal with teenagers, you learn

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1 to read their nonverbals.

2 You know, you can watch the video all
3 you want and if you're not used to dealing with
4 teenagers and how they get emotional because of their
5 immaturity, you could perceive that very differently
6 than we do as professional educators.

7 Q. Okay. So —

8 A. Right there his arms are clenched. His
9 arms of folded.

10 Q. I'm going to pause the video for a
11 moment. This is at 3:39. And I'm going to keep playing.
12 Go ahead.

13 (Video played.)

14 So his arms are folded, that's what
15 you're referring to there?

16 A. And you can see that he's — his arms are
17 — he talks a lot with his hands, shifting his weight.

18 (Video played.)

19 Q. Now, we are at roughly — at about five
20 there, about five minutes in. I see Mrs. Lyons also
21 shifting her weight. Do you think that that's different?

22 A. I think Mrs. Lyons is shifting her weight
23 because she's standing in the same position. She's not
24 like — now he's leaning against the wall.

25 Mrs. Hartenstine — anytime you're

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1 standing on terrazzo floors, you're gonna shift your
2 weight because they're hard to be standing on,
3 especially at whatever time of night this was.

4 Q. And this is after rehearsal, of course,
5 so I'm sure they're all physically tired.

6 A. They're tired. Correct.

7 Q. And I see, if I'm not mistaken, Ms.
8 Hartenstine is wearing some kind of like dance shoes or
9 ballet slippers.

10 A. I don't know.

11 Q. Can you tell?

12 A. What the camera doesn't show is the
13 verbal.

14 Q. Sure. Just for the reference of anybody
15 reading a transcript, from the left to right we have Mrs.
16 Lyons with her back to us. Then we have Jordan facing
17 us. I think he's the only one whose face we can really
18 see. Then we have Ms. Hartenstine. And to her right,
19 also faced away from the camera, barely visible is Ms.
20 Jones. Is that correct?

21 A. Correct.

22 Q. Are there other examples here of the
23 physical behavior that you're referring to?

24 A. That's posture right there on nonverbals.

25 Q. And I'm going to pause that. That's at

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1 8:20.

2 A. That's what known as a defensive.

3 Q. Can you explain that a little bit?

4 A. Usually a nonverbal communication, when
5 somebody's arms are crossed and they're in a wide stance
6 like that, they're usually trying to calm themselves down
7 from getting angry.

8 And then at some points — I don't know
9 if you could see it without blowing it up, but you'll
10 see the clenched fists, as well.

11 When a student starts to get into that
12 stance, then we usually go into a de-escalation mode
13 educationally.

14 Q. What does that mean, de-escalation mode?

15 A. That means normally that he's trying to
16 like — you'll see Mrs. Lyons actually start to pull —
17 like hold her hands down in front of her. You start
18 talking in a more slow pattern, you lower your voice
19 rate, you try to de-escalate the student to make sure
20 that they don't get more verbally aggressive. We call it
21 de-escalation.

22 Q. You said we call that de-escalation mode.
23 Essentially what you're saying is — I mean, it's pretty
24 typical of what most people would do in that situation.
25 Is that right?

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A. We would hope.

Q. We would hope. Maybe not everyone;

right?

A. Not everyone. Correct.

Q. I'm going to play it again.

(Video played.)

Q. You've seen this whole video. What you've just pointed out, is that typical of the things you observed throughout?

A. With the folded arms, his weight, the hands in the pockets and the shifting, yeah.

Q. In other words, I'll spare you the trouble of watching the rest of this. What we just saw is what you saw in this video that gave you concern?

A. When I saw the video, it just confirmed the fact that you could tell that you have a 17-year-old student who is starting to get agitated because this went on way too long.

In my professional opinion, Mrs. Lyons and Mrs. Hartenstine should not have entertained him for this long. They should have stopped the meeting and asked him to reconvene it at another time when it was much calmer heads.

Q. I take it it's the crossing the arms, it's the — that's what caused you to — you think means

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they should have called off the meeting at that point?

A. When a student starts verbally coming at a teacher and repeatedly asking the same questions and don't use — like she says in her statement, you know, just couldn't believe that she wasn't upset and confronted him [sic] about it, that she feels that she's getting to the point where she's disrespected, we should — educationally, we recommend that we stop the meeting and reconvene with parents in another — when calmer heads prevail.

This went on for, in my professional opinion after watching the video, running the investigation — and I had that conversation that you do not entertain a student who is emotional, who is upset, who — that you let it go on for this long. You've got to rephrase or redirect them to let's meet tomorrow when we've had, what I call, the 24-hour rule just to calm down and reset ourselves.

Whether it's adults or whether it's students — I have the same thing in parent meetings. If you're in an IEP meeting and it becomes heated, a lot of times we will reconvene an hour later or sometimes the next day so that people have a chance to, in essence, breathe.

Q. So if this meeting had been called off

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maybe ten minutes in, would that have changed the suspension of Jordan Eck?

MS. O'DONNELL: I'm going to object to the form because this video is about 10 minutes.

MR. READY: The video is about 24 minutes.

MS. O'DONNELL: The entire video is 24 minutes?

MR. READY: And I'll allow you to see it. Just to be clear, we were watching this on triple speed, which is why it's only been a few minutes since we began, but this video is about 24 minutes.

BY MR. READY:

Q. I'm just trying to understand. If they had called off this meeting earlier —

A. When he started coming at Mrs. Hartenstine verbally — not physically, verbally — and she started getting upset, they should have canceled — ended the meeting right there and said to Jordan, please go home and we can talk about this tomorrow; we'll have Dr. Shank, Mr. Becker, your parents — let's sit down and have a discussion about what your concerns are.

It would not have escalated to the point where a teacher would have felt threatened and disrespected because it would have been done in — like

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Vinny's, his was done in like two minutes. They parted, they disagreed, they agreed to disagree, Vinny said thank you, he went home for the evening.

This one, as you stated, it went on much longer than it should. They tried to give Jordan every opportunity to understand and hear what they were telling him. He was not having it; he was not hearing it. He kept coming back at them and coming back at them. At that point, as an educator, you would end the conversation.

Mrs. Lyons is an advisor. She's not trained in the same way we are. And Mrs. Hartenstine was already visibly upset and didn't know what to do because you're the Assistant, you're not the Director.

And when you're like an Assistant Principal versus a Principal, you're waiting and then didn't know what to do and she got upset. But she was threatened — she felt very threatened and disrespected, which we do hold students very accountable for that.

Q. So this conversation — and I'll stop the video at this point. It looks like we're at the end. This conversation — this conversation presented a confusing situation to handle for Ms. Hartenstine because of her emotional state?

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1 A. That he pushed her to the point where she
2 got emotional — I've worked with Mrs. Hartenstine for
3 years, both as a long-term sub — I hired Mrs.
4 Hartenstine as a teacher in the School District. I've
5 been in her classroom. I have seen that it takes a lot
6 to get her rattled and upset.

7 When you deal with 23 5th graders every
8 day or 5th graders, ten-year olds, I have not seen —
9 in all my years of working with Mrs. Hartenstine, even
10 as the color guard advisor for the marching band over
11 the years, I have never seen a student get to her as
12 much as he did that evening.

13 Q. I'm going to direct our attention to
14 Exhibit 2. I'm not sure if that's what we were just
15 looking at or not.

16 But Exhibit 2, this is Bates stamped
17 OVSD 75. This was provided to us by your Counsel in
18 discovery. It is a — and I should say it's 75 and
19 76 — it is a two-page letter written by Maria Jones to
20 you. Do you recognize this document.

21 A. This was Maria Jones' statement regarding
22 what she witnessed in the hallway.

23 Q. You reviewed this that night or the
24 following morning, perhaps?

25 A. I interviewed Mrs. Jones that night where

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1 she told me what she witnessed in the conversation. And
2 then, as I normally do, I asked her to follow it up; I
3 need you to put it in writing for me.

4 Q. Is there anything omitted from this
5 statement that she had told you that night that was
6 material to your determination of Jordan's discipline?
7 You can certainly take the time to read it.

8 A. (Witness reviewed document.)
9 What was the question?

10 Q. Is there anything that was not in this
11 written statement, now that you've read it, that you
12 relied on that night or the next morning in determining
13 Jordan Eck's discipline?

14 A. From Mrs. Jones, Mrs. Jones' statement
15 did align with what Mrs. Lyons had told me, as well as
16 what Mrs. Hartenstine had told me. The disrespect, the
17 threatening nature, the anger, the clenched fists, all of
18 those pieces were confirmed by Mrs. Jones, who had next
19 to no information on the back story of what had been
20 going on for the last three months.

21 Q. So to be specific, there's nothing else
22 that Mrs. Jones told you that night orally that's not in
23 this written statement that's material?

24 A. Not that I remember.

25 Q. And I'll ask you the same question about

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1 Exhibit 1. This is Ms. Hartenstine's statement to you,
2 which you may have already read it. If you want a minute
3 to read it, you certainly can.

4 A. (Witness reviewed document.)
5 (Short recess was taken.)

6 BY MR. READY:

7 Q. So the question that I was asking is —
8 you've had a chance to review Exhibit 1 — is there
9 anything else that Ms. Hartenstine told you that night
10 that's not reflected in this document that was material
11 to your determination of Jordan's discipline?

12 A. My investigation showed that I had a
13 student and I needed to, you know, talk to the student
14 the next day to get his side of the story, as well,
15 'cause he had already left for the evening — that went
16 on for, as you stated, 20 minutes, continually the same
17 questions, intimidating, disrespecting a teacher, who
18 then felt threatened to the point where she's in tears in
19 front of a student in the hallway, witnessed by someone
20 who had no knowledge or information, who confirmed it
21 with Mrs. Lyons, that everybody heard and said the same
22 things, that he had not stopped.

23 If he had done what Vinny had done in
24 Vinny's conversation with Mrs. Lyons, asked the
25 questions — Vinny was upset, too, or angry or whatever

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1 you want to call it — but very calmly said, as to
2 whatever it was they talked about, which I don't know
3 the knowledge of that conversation — but then they
4 agreed to disagree, he walked away, two, three minutes,
5 went home for the evening.

6 If Jordan had done the same thing that
7 evening, asked whatever it was he needed to ask, asked
8 Ms. Hartenstine — which, I believe, according to her,
9 was about the lead in the play — that when she didn't
10 get the lead that she thought she should have been
11 entitled to, just as he didn't get the lead that he
12 thought he was entitled to, and she said to him, no, I
13 was upset, but then I did my role. If he had said
14 thank you, we can agree to disagree, have a good night
15 and left, there would be no discipline.

16 The fact that he continued to go on to
17 the point where he had a professional staff member in
18 tears and did not stop, so he crossed the line between
19 having an agree to disagree civil conversation to one
20 where he is agitated and angry towards a staff member
21 and continually went on and on and on.

22 Q. At the end of this second paragraph she
23 says: Mrs. Lyons asked Jordan if he was accusing me of
24 lying. He vocalized that he still did not believe me,
25 making me feel like he was calling me a liar about a

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1 situation he knows nothing about that happened ten years
2 ago; I felt threatened and disrespected, what should
3 Jordan have done in this situation when asked this direct
4 question by Ms. Lyons about the veracity of Ms.
5 Hartenstine's story?

6 A. The question is -- she asked him a direct
7 question, are you calling her a liar, and then he says he
8 still does not believe me. Well, is that, yes, you're
9 calling her a liar or, no, you're not?

10 He, also, according to the statement --
11 he did not say I don't believe you because I feel this
12 way or because here are the facts to support why I
13 don't believe what you're saying.

14 But when you have a teacher at this
15 point who is upset, who is in tears, who's trying to
16 say, yes, I was upset and this is how I handled it,
17 like a life lesson and trying to educate -- because she
18 is a teacher -- that we all have disappointments in our
19 lives, we all think that we should get parts or jobs or
20 solos or whatever that we thought we should have gotten
21 that we didn't, it's how we respond to that situation
22 that is critical.

23 And at some point you just gotta accept
24 the fact that there are people who make decisions, and
25 we can agree to disagree with them, but they have their

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1 rationale.

2 And the production team of individuals
3 made the decision to cast this show in December of 2018
4 where he was in a support role, not necessarily the
5 lead role that he thought he was entitled to as a
6 Senior in the Drama Department.

7 And he could not get his head around
8 the fact that I didn't get the lead at my Senior show
9 and I'm majoring in theatre, and he couldn't figure out
10 why and people owed him an apology, which goes back to
11 January of 2019 with Mrs. Ecks' conversation.

12 Q. So what he should have done then, when he
13 was asked if he was accusing Ms. Hartenstine of lying, is
14 what?

15 He should have refused to answer?

16 Should he have said, you know, let's continue this
17 conversation tomorrow when everyone is calmed down?
18 What do you believe he should have done?

19 A. Professionally, I don't think he should
20 have even taken this conversation to the point where you
21 have a teacher in tears and, as a 17-year-old Senior,
22 continue to ask the same question and try and tell her
23 how she should feel.

24 As a young adult, he should be having
25 empathy and understanding that people are going to

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1 perceive and do things differently than maybe I

2 believe, but have an understanding that people can come
3 to a situation and agree to disagree and respect her
4 decision and respect her answer.

5 He may think -- in his mind he may
6 think she was lying. She tried to be honest and up
7 front about this is how I dealt with it, this is what I
8 did when I was in this situation, but he wasn't hearing
9 anything except his own opinion and his own thoughts.

10 Q. So sticking to that opinion and those
11 thoughts and refusing to change his mind is what
12 ultimately was his mistake here?

13 A. No. His mistake was he continued to go
14 at the teacher on the same issues over and over and over
15 again in an agitated, angry state in which she felt
16 threatened and disrespected to a professional staff
17 member for, as you said, 20 minutes; the student did not
18 stop.

19 Where his mistake was, when he started
20 getting angry or upset, he should have been able to
21 self-regulate himself as a Senior in high school, to
22 know that I'm getting upset, I'm getting angry, let's
23 just reconvene -- like Vinny did. Vinny was like,
24 let's talk about this later.

25 Q. If that's true of a Senior in high

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1 school, isn't that also true of Ms. Hartenstine? At some
2 point she should have said, you know what, I'm upset, I'm
3 angry, I'm in tears, let's have this conversation
4 tomorrow?

5 A. Right. But if you watch the video, it
6 took him almost 15 minutes to get her to the point where
7 she's in -- crying. I mean, she's trying to empathize
8 with him and get him to understand this is how I dealt
9 with it, this is how -- to try to teach him that tomorrow
10 can be a new day. He would not stop.

11 Q. But essentially what you're saying is
12 they wouldn't stop, but no one stopped this conversation.

13 So why is it that Jordan is more
14 responsible for knowing the point at which this
15 conversation should stop than the adults in the room?

16 A. 'Cause this was Jordan's requested
17 conversation, so they're trying to give him the benefit
18 of the doubt and answer his questions and be responsive,
19 let him speak his mind, do all the stuff to get him to
20 understand, to empathize with him, to try and see a
21 different point of view so that he can focus on the role
22 that he was given, and not necessarily the one he thought
23 he was entitled to, but he would not -- he would not
24 give.

25 And if you've worked with Jordan at

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1 all, as I have, he gets to a point where he just
2 doesn't stop. Like there is a -- he has an issue with
3 self-regulation.

4 So -- which is one of the reasons why
5 they kept trying to re-issue or re-discuss or
6 re-communicate this is where we're at and this is my
7 answer, and he couldn't respect the fact that Mrs.
8 Hartenstine is telling him this is how I dealt with it,
9 this is how I felt, this is what I did.

10 And it was like he wouldn't take what
11 she's saying and listen to it. He was listening to
12 respond and not listening to understand. Does that
13 make sense to you?

14 Q. Sure, I understand what you're saying.
15 Yeah.

16 Let me turn to Exhibit 2. There's a
17 couple comments here I just want to call your attention
18 to.

19 I'm looking at Page 2 of this document.
20 And, actually, let me go straight to the last sentence:
21 In my daily interactions with students, I have not seen
22 this level of anger and lack of awareness of others'
23 feelings.

24 You interact with a lot of students, as
25 does Ms. Jones. Based on your review of this

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1 situation, do you agree with that statement?

2 MS. O'DONNELL: Object to the form. Do
3 you agree that she wrote it? Do you agree that she
4 felt that way?

5 BY MR. READY:

6 Q. Sure. I'll rephrase. Do you agree that
7 you have not seen -- that you have not seen this level of
8 anger and lack of awareness of other's feelings in
9 students on a day-to-day basis?

10 A. Maria has or I have?

11 Q. You.

12 A. Oh, I've seen lots -- I've seen it in a
13 5th grader I'm dealing with right now. I've seen -- I
14 deal with students all the time literally from
15 5-year-olds to 18-year-olds. I deal with adults all the
16 time.

17 Q. Ms. Jones says here that she has never
18 seen this level of anger and lack of awareness of others'
19 feelings.

20 So I guess I'm wondering -- and, of
21 course, you probably have more contact with students
22 than Ms. Jones.

23 A. Yes, I do.

24 Q. You personally, though, you wouldn't
25 agree that you've not seen this level of anger or lack of

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1 awareness of others' feelings in students?

2 A. In my 31 years of experience, I've seen
3 people act like Jordan did, I've seen people act like
4 Vinny did, very maturely and calmly, and I've seen
5 students who have gotten, due to -- I've seen students
6 who have had emotional disturbance diagnoses who have
7 been -- acted out more than Jordan did that night. I
8 have seen in 31 years the gamut.

9 Q. You've seen worse than this?

10 A. Yes.

11 Q. I'm going to turn your attention now to
12 Exhibit 30. I'm going to ask you to look at this in
13 conjunction with Exhibit 10, which I will represent to
14 you Exhibit 10 is just the suspension notice for Jordan.

15 A. (Witness complies.)

16 Q. I'll give you a moment to find those.

17 A. Oh, the referrals?

18 Q. Correct.

19 A. Okay.

20 Q. So the referral for discipline -- and I
21 believe in the conversation, also, you told Jordan that
22 this was a Level 3 suspension.

23 A. It could be 2, 3 or 4. Level 2, 3 or 4's
24 are all suspendable levels. I don't live -- in my world,
25 I live on the behavior. I don't live by levels. Like I

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1 don't memorize that this is a Level 3 or a Level 4. I
2 know Levels 2's, 3's and 4's are all suspendable
3 offenses.

4 Q. You're aware that Jordan was given a
5 Level 3 suspension for this, though; correct?

6 A. Yeah. But it still -- it could have been
7 a Level 2, and it still would have been a suspension.

8 Q. So I want to look at the Code of Conduct
9 here, and I'll turn to -- I'll turn to what is Page 3 of
10 this document. OVSD 850 is the Bates stamp. And the
11 page before that and this page lists the Level 3
12 offenses.

13 And so I won't belabor the point. Do
14 you see his offense in this Level 3 list, as we look at
15 it now.

16 A. And Level 2 is also a suspendable-level
17 offense, so you could have it in Level 2, you could have
18 in a Level 3. He did threaten a teacher verbally, as the
19 teacher put in to her statement. He was disrespectful.

20 Q. And the --

21 A. And this list is --

22 Q. The threat to the teacher was what?

23 A. It was verbal, and we just went over all
24 that in Mrs. Hartenstine's statement.

25 Q. There's nothing else to add in regards to

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the content of the threat that he made to her?

A. These levels are examples. They're not all-encompassing lists.

So if you're trying to pinpoint something in a particular list, you could have something listed in Level 2 that can be, due to the actions of the student, be in Level 3.

So when you're looking at it, you're looking at a disruption. You're looking at, considering — it could be — to use the kid word today of bullying of a teacher 'cause he didn't stop, he kept repeatedly going at it with the same questions.

You're looking at insubordination because he wasn't like calming down. She was trying to calm him down, and he wouldn't.

You're looking at — there's multiple places, and this list does not have every infraction that is going to be listed because there's no list under the sun that's going to list every possible instance that a student could have, and that's why 2's, 3's and 4's are all suspendable-level offenses.

So Mr. Becker put it as a Level 3 'cause I said — when I met with Mrs. Eck and Jordan I said it could be — what level offense it is. I'm like, yeah, it could be two levels — Level 2, Level 3,

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but this is what it is, and this is a three-day out because you disrespected a teacher and that she felt threatened.

And he agreed that — his statement was something to the effect of that, I understand how she could feel that way; I was angry, I was upset.

And I said to him — I said to him then why didn't you just go home and talk to them later? And that's when he said, well, Dr. Markley said we should come to rehearsal and talk about it.

So then — and I said, do you understand that when you're already angry and upset how that communication style is different, tone of voice, perception, body language? I demonstrated, clenched fists, folded arms. He's like, yes, I can understand that.

It's the same way when I said, you know, because of your behavior and the ongoing issues I have to remove you from the show. And his quote to me was, that's for the best, so he knew.

And we also knew that morning he had already secured counsel, so we knew where this was going at like 7:30, 8 o'clock that morning because Mrs. Eck had already communicated that they were seeking counsel, which is why I agreed — 'cause normally on a

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three-day suspension we don't have to have a parent present.

And, according to policy, in the first three days the informal hearing doesn't kick in until after day three. So I said to bring Mrs. Eck in, I'm good with this; she can hear everything I have to say.

And I talked him through how he could have responded differently, how perception is a lot of times reality with people because you see a situation and I see a situation, and we can see the same thing and think of it two different ways. It has to do with prerequisite knowledge that we bring to the event.

And then he admitted that he did. And he's like, I think this is for the best. And then he went into a whole discussion about all these people that were going to quit the show and all of his friends are gonna quit, and what was I going to do about that.

I said, that's my problem, that's why I sit in the chair, that's why I am ultimately responsible. Because if they quit the show, then I either have to recast the show, or I have to cancel the show. I said, but that is my job.

We are three weeks out from the show — this was not the weekend before the show as one of the documents portrayed — and that that's my problem if

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they did, and I will give them opportunity.

I explained to him that I would be meeting with the cast because his girlfriend, Haley, already knew that he was removed from the show before the cast meeting, which is why she was so agitated and making noises and pounding her book bag on the ground and tapping her foot very loudly when I was trying to speak —

Q. We —

A. May I finish?

Q. Yeah, we'll get to that in just a second.

A. Can I finish my thought — finish what I'm saying, please?

Q. Let me —

MS. O'DONNELL: Let her finish, Joel.

MR. READY: I'm going to object. I understand. It's non-responsive.

I understand what you're saying. We will come back to that, and I will give you a chance to talk about that.

MS. O'DONNELL: No, no. Just let her finish. You can —

THE WITNESS: I'm still talking about my conversation with Jordan. So I explained to him and meanwhile — and he admitted to what he had done. He

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1 admitted that perceptually he was angry. He admitted
2 that he was raising his voice.

3 I never said that he lunged or came at
4 her. Jordan is very good — he's a good actor, and he
5 embellishes things as actors do.

6 But he admitted that day — I had the
7 statement from Mrs. Hartenstine laying on Mr. Becker's
8 desk in front of him. And Mr. Becker was sitting
9 behind his desk, we were sitting in front of his desk.
10 Mrs. Eck was on the — closest to the door, Jordan was
11 in the middle, and I was on the other side of Jordan.

12 I said, it's right here if you want to
13 read the statement. And he was like, no, that's okay,
14 I know what I did; I can understand why she would be
15 upset.

16 BY MR. READY:

17 Q. It's your testimony here today that you
18 showed him — offered to show him —

19 A. I offered to show him.

20 Q. — that you offered to show him the
21 statement of Ms. Hartenstine and that he declined and
22 said I know what I did?

23 A. Yes. He's not going to tell you that
24 because it doesn't support the narrative, but it was
25 laying on Mr. Becker's desk right in front of him. He

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1 had an opportunity to explain why he behaved the way he
2 did. His answer to me was, I was angry, I was upset they
3 didn't fire her.

4 And that's when the whole thing in
5 leaving the auditorium that night, the night before,
6 that it was from — and the investigated [sic] shows
7 that this — the investigation — when I was doing the
8 investigation on Wednesday that — when they left the
9 Board meeting that night, the public comment — because
10 when public comment is closed — I don't know if you do
11 Board Meetings or not but most of the public leaves
12 after public comment. They don't always stay for the
13 Board meeting because they're really kinda boring.

14 But then the Board said to them that
15 they — when they — when I said earlier they will take
16 it under advisement, they will take — they heard what
17 people said, they will discuss it, and then they left,
18 then they — the parents stayed in the hallway and they
19 — the kids went back to rehearsal.

20 And then Jordan was already still angry
21 and upset. So — and after the conversation with Mrs.
22 Lyons, Ms. Hartenstine and Ms. Jones on the way out, he
23 was stating — and I don't remember to who, off the top
24 of my head — but the fact that this is not over;
25 they're going to get more people.

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1 Q. You overheard this?

2 A. I was not there. I was in Executive
3 Session.

4 Q. Who did you hear this from?

5 A. It was in the investigation that I talked
6 — as I just stated, with Mrs. Lyons, Mrs. Jones and Mrs.
7 Hartenstine.

8 MS. O'DONNELL: It's in Exhibit 2.

9 THE WITNESS: And it's Exhibit 2.

10 BY MR. READY:

11 Q. Okay.

12 A. So — and then — so I had talked to him
13 about anger and calming down and how you should have
14 conducted — with Jordan the next day — how we could do
15 it different. We talked about perception.

16 I actually stood up at one point and
17 demonstrated if I stood there with folded arms and
18 clenched fists and shifting my weight, how would you
19 feel? He said, I can understand.

20 The statement from Mrs. Hartenstine was
21 laying on Mr. Becker's desk directly in front of Mr.
22 Eck — in front of Jordan. And I said, it's right
23 there, do you want to read it? And he's like, no,
24 that's okay.

25 Q. I want to turn your attention to Exhibit

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1 25.

2 A. (Witness complies.)

3 Q. This is an e-mail from you to Mr. Becker.

4 A. Correct.

5 Q. And you said — this was sent, it looks
6 like, March 21st, 7:37 in the morning.

7 A. Um-hum.

8 Q. That's correct?

9 A. Correct.

10 Q. And you said this will be a three-out. I
11 assume that means a three-day suspension?

12 A. Correct.

13 Q. And he will be out of the show?

14 A. Correct.

15 Q. So that decision had been made that
16 morning before you had a chance to meet with Jordan;
17 correct?

18 A. I — at this point in time, I was
19 mentoring Mr. Becker as a new High School Principal. I
20 was calling discipline decisions on multiple students,
21 not just this student.

22 Going into the meeting with Jordan,
23 based on the infraction, on the intimidation and
24 disrespect of a teacher, is generally a three-day out.

25 Because Mr. Becker comes from a

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1 different school district and we take a very strong
2 stance on disrespect to a teacher, our procedure here
3 is a three-day. So I don't know if he knew that or
4 didn't know that, so I was being clear in my
5 communication.

6 If Jordan had – and one of the things
7 that happened in the meeting with Jordan, even though
8 it was a three-day out, because he was honest and calm
9 and mature in the meeting with him and his mother and
10 Mr. Becker, is why I made the decision not to remove
11 him from Honor Society or fully remove him from Drama
12 Club.

13 Now, hence, he wasn't ever removed as
14 President because Mr. Becker did not do the – a
15 re-election or Drama Club meeting, so he really
16 actually retained that title even though I said he
17 would be removed as President and still in Drama Club,
18 which means he was able to wear the colors of the
19 Theatre Department for graduation. There's like a cord
20 that they wear with their cap and gown.

21 And he stayed in Honor Society because
22 of the way he did handle himself and the fact that he
23 owned his behavior and his anger and the fact that he
24 didn't stop.

25 So I was able to lessen the consequence

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1 because on a suspension you're generally removed from
2 National Honor Society. It's one of the rules.

3 But as Superintendent, I do have
4 override rights for that. And because of this
5 situation and trying to balance all sides of it and his
6 communication and understanding in that meeting, I was
7 able to pull back some of the other pieces that would
8 have been in play.

9 Q. I want to go with you to a discussion
10 about the meeting that happened in the auditorium with
11 the school show team.

12 A. Okay.

13 Q. You called that meeting and had them all
14 come down?

15 A. Correct, as I was instructed to do, yes.

16 Q. And you announced to them at that time
17 that Jordan had been suspended?

18 A. No.

19 Q. You did not?

20 A. I did not. Haley did.

21 Q. Haley had told other students?

22 A. Haley had told other students because if
23 Jordan was not in school, then Haley wouldn't be in
24 school. And Haley wanted to be with Jordan 'cause mom
25 took – Mrs. Eck took Jordan home because, as I was

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1 coming into the auditorium, I heard Mr. Becker say
2 something – 'cause I asked him, are all the students
3 here? And I said, how many do we have? And he said,
4 like 50 and Haley said, no, 49 because Jordan had already
5 left; he wouldn't at the meeting.

6 And then she – they all – I had
7 everybody get seated, and then I began to talk about
8 how much we respected their voice at the meeting last
9 night and rehearsals and the expectations.

10 Haley's sitting off to the – on the
11 end seat on the left, on the center section of the
12 auditorium, tapping her foot, banging her book bag,
13 rolling her eyes. So I did what's called teacher wait
14 time where you remain quiet and you wait for kids to
15 settle down, and then she would settle down.

16 Then I would go to speak again, and
17 then she was disruptive again and tapping and banging
18 her book and rolling her eyes and restless and shifting
19 stuff and slamming stuff. And then I would look at
20 her, which is – we call it the teacher look; I'm sure
21 you remember that from school – and then she wouldn't
22 stop, and eventually I said, do you want to leave? And
23 she's like, yes.

24 So she gets up, slams her stuff, yells
25 I quit and goes slamming out, threw her book bag

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1 against the door on the lower end of the auditorium
2 that the door flew back, slammed against the concrete
3 wall. Kids started to cry because she made such a
4 disruption, and I looked at Mr. Becker, and I said you
5 will deal with that before you leave.

6 And then I went on talking about we
7 need to be positive, and we need to come together, and
8 the show needs to go on and having theatre and the
9 gossip stops and kinda resetting expectations.

10 Q. Before Haley quit, you said if anybody
11 doesn't like what we've laid out here, you can quit.

12 A. You can quit, please let Mrs. Lyons know,
13 talk to your parents, you have 48 hours, don't – you
14 know, it will not reflect negatively.

15 I understand, having been in theatre.
16 They know I'm theatre, they know I'm music. I'm very
17 active in theatre and music – or was very active in
18 theatre and music here.

19 And then – so that I hadn't put that
20 out because that was one of the things. If you don't
21 want to participate in the show – there are kids that
22 didn't like Newsies. It's a very different show. I
23 don't know if you know that. That show is not a
24 classic, you know, Fiddler on the Roof or a Brigadoon
25 that were kind of the '40s level big shows and it was

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Q. At that point, when you said if you have a problem you can quit, you also then at that point, based on Haley's actions of putting books or moving things around, you said you look like you're ready to leave. Do you recall that?

A. No, I do not.

Q. You don't recall saying to her, you look like you're ready to leave so you can go now?

A. No, I didn't.

Q. When you said to —

A. I just said — I did say to her, like when she was banging her stuff, I looked at her and I'm like, do you want to leave? And she's like, yes, and that's when she got up and made this huge scene on the way out. That's what I said.

I didn't say you look like you want to leave. I just said, do you want to leave? Because it was very obvious, and she's on her phone — and I would assume texting Jordan — that she was trying to get out of the meeting.

And with the disruption that she was causing during the times I was trying to speak to the cast, I finally looked and her, after trying to redirect two or three times, I'm like do you just want

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to go, like do you want to leave? And she's like, yes, and then she yelled and went out the door. That's what I said.

Q. When you spoke to Mr. Becker and told him to deal with that, you also told him to suspend Haley?

A. For one day because he asked me, what do you want me to do? I said, well, that was a disruption while the Superintendent is speaking; that's a one-day suspension.

Q. Was this after the students had dispersed after the meeting?

A. They probably were walking out. I don't remember. We were standing in the pit. He and I stepped back.

The kids were — some of them were crying, trying to get themselves together. Because when she left in her anger, then that kinda put some of our other students over the edge or over the top 'cause they were still — you know, kids in the room that are Jordan fans or Jared fans, so you're still trying to bring them together to leave their differences at the door, to come together, put a show together, you know, the whole adage the show must go on.

But once she left, it was so disruptive that that kind of — I had to re-focus them all again

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to finish what I had to say as far as expectations for rehearsal and academics and here's your communication, and if you have questions, concerns, you come see me; you'll see me around, open rehearsals, your parents are welcome, all the stuff that, you know, I needed to articulate to the students to let them know that they were heard, they were understood, and that I was on top of it, and I would be, you know, addressing things.

Q. You also told a student not to make any other negative statements about the show or Mrs. Lyons.

A. They were not supposed to be gossiping. I didn't say the negative statements. My thing was that you can't be starting rumors or gossiping. If they had negative things to say — they were also told if they had concerns or questions, they were to come directly to me.

Q. I want to fast forward to the night after the school show at the after-party. You're aware at this point of the statements that Jared made at the after-party; correct?

A. As I am today?

Q. Yeah, as you sit here today you're aware.

A. As I sit here today, yes. I didn't at the time, but —

Q. When did you learn about them?

A. Probably from Grace Berlin's mom.

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Q. And you heard that he used inappropriate language and, also, that he said anybody who has a problem with Mrs. Lyons will have to deal with me or that I'll come after them?

A. That's what Ms. Berlin had said.

Q. Did you investigate those comments at all?

A. I went back to Mrs. Lyons to answer the questions that Mrs. Berlin had sent me, and I had talked to Mrs. Becker — Mr. Becker, and I talked to a few students and — about what went on, what didn't go on, and there was conflicting information on that.

Q. Did you talk to Jared?

A. No, I did not.

Q. Did you speak — did Mrs. Lyons — had she witnessed those statements?

A. I don't recall.

Q. I'm going to give you a document. I don't believe this was in our binders, so give me just a moment.

I received this from Counsel and may have received it previously, but I'll give you copies of these. I'm going to make this Exhibit 31. We didn't have this in the original binder, so I'll add it now for Exhibit 31.

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1 Do you recognize these text messages

2 (indicating)?

3 A. (No response.)

4 Q. I'm sorry, let me be more clear. There
5 are two pages here. These were provided by your Counsel.
6 The second page of text messages is what I'm referring
7 to. Do you recognize these (indicating)?

8 A. The first page I don't. I don't know
9 what that is. The second page, yes. This was the text
10 message that I received at 10:21 on Sunday, the 14th.

11 Q. And I assume this is the only
12 communication that you received from Mrs. Lyons or anyone
13 about the — that led to your decision about Vinny to be
14 removed?

15 A. To send him home?

16 Q. Correct.

17 A. Yeah, because it was obvious to me from
18 Mrs. Lyons' text that we were gonna have an issue.

19 And the fact that I was not at the set
20 strike between Mrs. Lyons and whatever parents and
21 Vinny that actually — when I said in my text, if he
22 shows just send him home, was as much to protect Vinny
23 than having an issue with Mrs. Lyons because the show
24 was over. Vinny did extremely well in the show. He's
25 a good actor.

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1 And that he, based on what — and I had
2 not known at that point what happened the night
3 before — that to send the kid home. Having done
4 theatre, he's probably exhausted. They were up all
5 night doing the cast party, celebrating as they should,
6 just go home and rest.

7 Q. So there was no other conversation with
8 Mrs. Lyons other than what's contained here; correct?

9 A. Correct.

10 Q. About that?

11 A. Right.

12 Q. You did not at any point meet with Vinny
13 about the decision, did you?

14 A. No.

15 Q. I'm going to ask you to look at
16 Exhibit 27, which is in your binder.

17 This is an e-mail chain between you and
18 Mr. Becker. I'll point you down to the bottom of the
19 page.

20 At the very bottom, actually, of this
21 first page — this appears to be an e-mail from you —
22 it says: I understand a meeting will not be helpful.
23 And this is in response to a request from Haley
24 Hartline's mom to meet.

25 A. Correct.

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1 Q. Do you remember this e-mail?

2 A. Yes.

3 Q. Why did you not agree to meet at any
4 point with Mrs. Hartline?

5 A. Well, it wasn't that I didn't agree at
6 any time. I was not meeting with her in her heated
7 state. Mrs. Hartline is not a resident of the District.
8 She lives in Muhlenberg School District.

9 Her primary custodial parent is her
10 father, whose address was Main Street. 'Cause if a
11 student's living in Muhlenberg, obviously, they're not
12 our student.

13 So if she's living with her mother,
14 who, according to Mrs. Eck, was not a fit mother, then
15 I would meet with her. But if a parent is hot, then
16 she needs to calm down before we have a meeting with
17 all parties because it would not help at that
18 particular time, on 4/2/2019.

19 Q. And you never did meet with Ms. Hartline,
20 did you?

21 A. No, 'cause after Haley chose to quit the
22 show, there was no other issue with Ms. Hartline.

23 Q. Did you ever meet with Haley about any of
24 the disciplinary action taken against her?

25 A. No. My interactions with Haley for most

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1 of the show was basically when she came into my office to
2 get snacks.

3 Q. There was an incident in which Jordan was
4 reported for not letting Haley eat. Are you familiar
5 with this?

6 A. There was an allegation from Alexis Henry
7 at Kutztown that was transmitted verbally to Mrs. Lyons,
8 who then called me about the concern. I met with Jordan,
9 with Mrs. Cambria, Director of Student Services, to just
10 see what is up.

11 It was one of those meetings where I
12 had to look into it, but I had reason to believe there
13 was nothing to it.

14 Q. Mrs. Lyons said she did not report that
15 to ChildLine. Did you?

16 A. No, because there was nothing there to
17 report. That would have been inappropriate for me to
18 report it to ChildLine.

19 It was Alexis Henry, who was a college
20 student, talking to a student and it got lost in
21 translation so it was vague, but there was no evidence
22 to that.

23 Q. I want to turn to Exhibit 29. There are
24 several paragraphs here. I'm going to look at what's
25 labeled No. 2. And down at the bottom of this it says

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1 that Mrs. Lyons, during Jared's speech -- actually, let
2 me back up.

3 The second sentence here: His
4 15-minute speech included phrases like -- excuse my
5 language -- bitches be bitches and don't mess with
6 Lyons; she will take you down.

7 And down -- further down it says that
8 Mrs. Lyons -- she -- stood behind him nodding her head
9 in agreement with his toxic and inappropriate remarks.
10 You went on to say that this speech should have been
11 stopped.

12 A. Correct, because I -- if that did occur
13 as the way it was -- and Mrs. Lyons explained to me when
14 I took Mrs. Bertin's questions -- this was done in an
15 e-mail -- and told Mrs. Lyons and Mr. Becker that I need
16 responses to these concerns expressed by a stud- -- by a
17 parent, that I want responses in writing, which is my
18 normal protocol, especially when you're gathering
19 information from several parties because you don't want
20 to get it mixed up or lost in translation; that there was
21 an inconsistency on where Mrs. Lyons was at this time
22 between who said what.

23 But what I was telling Ms. Bertin at
24 this time was basically if any of this -- what she said
25 happened, it isn't correct and the adults should stop

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1 it.

2 I have hence, since this time, also
3 addressed with Mrs. Lyons for this year's show, since
4 the Board did approve her 8/1 in September to do this
5 '19/20 musical and the fall play, that any kind of
6 Senior speeches needed to be more supervised for
7 content, language, that this was appropriate --
8 inappropriate.

9 And that's why Mrs. -- I guess Mrs.
10 Lyons for the last three years has given an opportunity
11 at the cast party, after the final show of the musical,
12 for the Seniors to talk to the underclassmen.

13 But what she describes here and having
14 worked with Mrs. Bertin over the years -- her daughter
15 was a Senior last year -- to know that I have not found
16 that what she said to -- to not be credible, and had I
17 known it earlier or known like the day after or been
18 able to confirm it, the show would go on; it would have
19 been dealt with.

20 But I do not tolerate language, nor do
21 I tolerate disrespect, that it should have been
22 stopped.

23 But I could not -- I had information to
24 show that either Mrs. Lyons was within proximity, then
25 there was other information that said that she was off

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2 I couldn't confirm it to take any
3 formal disciplinary action on it, but I did not talk to
4 Jared.

5 Q. I understand, of course, you're a
6 Defendant in this lawsuit, but what do you want from the
7 outcome of this lawsuit?

8 MS. O'DONNELL: Objection to the form.

9 MR. READY: What do you want at the
10 outcome of this lawsuit, that's the form you object to?

11 MS. O'DONNELL: Yeah. What do you
12 want? She wants not to be a Defendant.

13 BY MR. READY:

14 Q. Is that a fair summary?

15 A. I'm just -- I'm doing my job to the best
16 of my ability. I assume whoever the Judge is in this
17 case will decide that.

18 Q. Did you have conversations with Mrs.
19 Lyons at any time about how to balance students -- these
20 three students or any student's free speech rights versus
21 the other concerns about their behavior?

22 A. Can you clarify your question?

23 Q. Yeah, sure. Did you ever supervise or
24 train Mrs. Lyons about how to balance the first amendment
25 rights of the students to disagree with a teacher versus

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1 the concerns that you've expressed that led to their
2 suspension?

3 A. I had conversations with Mrs. Lyons
4 throughout, as I stated, from January to April about what
5 I called the three P's. She needs to be polite, she
6 needs to be professional, and she needs to be positive.

7 She needs to let them speak their mind
8 and not take it personally, as any professional; that
9 students are students and they are immature, and they
10 don't have the worldly experiences that you do when
11 you're out of college and work in the real world, and
12 that we need to help educate them on the proper way to
13 communicate.

14 But I also talked to her about there
15 are lines that you don't cross with a student. They
16 can't be disruptive, they can't be disorderly, they
17 can't use language, they can't, you know, intimidate,
18 threaten or disrespect, but they need to learn how --
19 and Seniors in high school, for the most part, have
20 learned those skills.

21 Q. I may have one or two other questions.
22 I'm just going take a quick look.

23 But let me just ask you, is there
24 anything that I have asked you about that you wanted to
25 add anything additionally to your answer or thought you

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1 didn't get the chance to fully explain yourself?
2 A. I think that the biggest piece of this
3 goes back to the fact that Jordan did not get the lead in
4 the musical that he felt he was entitled to. He was
5 looking from Jan- -- from his mom's own -- mother's own
6 admission and his mother's -- through January through his
7 removal in March of the show, which he stated was for the
8 best, that he did not understand or would not accept that
9 he wasn't the lead.

10 And at one point he also was trying to
11 intimidate Jared to get him to quit so he thought he
12 would be the lead in the musical. There are at least
13 two documented incidences where Jared had met with
14 people, Guidance and myself, about quitting the show
15 and just giving Jordan what he wants. He hence, as you
16 know, did not end up quitting the show.

17 You're dealing with high school
18 teenagers, who are 17 years old, who think that high
19 school is the end all, be all, as we all did when we
20 were in high school. You know, you don't see life past
21 it till you get out and you reflect back.

22 I think the other piece that you didn't
23 address today is the fact that it was Mrs. Eck who
24 actually gave us information about Jordan's mental
25 health and anger issues in February of 2019 that led to

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1 the issuance of, under Child Find -- I'm not sure if
2 you're familiar with Child Find or IDEA -- that if we
3 get any information that leads us to believe that a
4 student has a learning disability or emotional
5 disability or autism or intellectual disability, that
6 we are required under Federal law to issue a notice of
7 an educational placement or recommendation for testing,
8 which we did on the students based on Mrs. Eck telling
9 us about Jordan's anger issues at home and -- which
10 happened in February of 2019.

11 And then after some of the other
12 explosions with Haley and her emotional stabil- --
13 instability and, as it was stated by Haley's mother to
14 Mrs. Cambria, that that's why we issued them because,
15 in today's world, even after a student graduates, then
16 we come -- that urge of coming back against the public
17 school system for failure to identify and offering
18 compensatory education, those conversations were
19 documented -- they were in the over 1100 documents that
20 you received -- that there were reasons for why we took
21 the actions that we did.

22 I think that there's a lot to this case
23 that has to deal with teenagers being teenagers and
24 understand -- not understanding life beyond high
25 school; that we don't always get what we want in life,

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1 and were not entitled to anything.

2 And I think it's very difficult for
3 Jordan, who has had several leads in the musicals as an
4 underclassman, to understand why he didn't get the lead
5 that was cast by a production team, not by one
6 individual.

7 And what was interesting to me, as we
8 went through this process, is that up until January,
9 2019 Jordan and Mrs. Lyons got along very well. There
10 were no complaints.

11 There were some complaints over the
12 years about rehearsals running late, especially coming
13 into the week of the show because they're trying to
14 practice as much as they can.

15 Jordan would go around calling Mrs.
16 Lyons mom. He would reach out, hang out in the
17 theatre. They were helping.

18 Mrs. Lyons was going to take the
19 Senior students to Disney to -- there's a theatre
20 program that they have at Disney World -- in the fall
21 which, hence, didn't happen because the music trip to
22 Disney is this year -- and to help them build their
23 resumes.

24 But she was helping articulate him to
25 community theatres and working with him in other

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1 places. And it wasn't until the time he didn't get the
2 lead in the musical then, all of a sudden, did he have
3 all these issues.

4 So if he had all these issues and he's
5 been in the musical -- he's been in the theatre program
6 for three and a half years, where were the concerns?
7 And I could never get an answer for that.

8 Q. You mentioned that he tried to intimidate
9 Jared -- I think those were the words that you used --
10 out of the school's lead or into withdrawing.

11 A. To quitting. Correct.

12 Q. What did he do to intimidate him? Do you
13 know?

14 A. It was the division of friends. And as I
15 said, with teenagers they -- you know, kids are kids and
16 they're gonna take sides with their friends.

17 And then the friend groups -- in
18 today's world, you know, they do a lot of social media
19 and outside of school stuff that has nothing to do with
20 us; that Jared thought that if -- they could all be
21 friends again if he just quit the musical.

22 He didn't understand that once you
23 open, what I call Pandora's box, and you start to have
24 issues with relationships and you're not -- the kids
25 aren't mature enough to work through those, you can't

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1 put the Gentle back in the bottle, that they couldn't
2 make it all better until they were willing to sit down
3 and put the past in the past.

4 But most immature 17-year-olds are not
5 developmentally at a capability to be able to do that.
6 There are a lot of adults that can't do that.

7 And that Jordan kept after him about,
8 you know, let me do one show, let me do an understudy,
9 let me do this, and just kept going after — like I
10 need a chance to be the lead, I need a chance to be the
11 lead.

12 And Jared got to the point, when I met
13 with — as I stated earlier, when I met with him and
14 his mother, that Jared was like maybe I should just
15 quit and then he can have what he wants because they
16 were friends at one point.

17 And then a casting decision, made by a
18 production team of people and not an individual, then
19 broke up a friendship that had been for years. And
20 then that friendship can't — has not been able — I
21 don't know where they are today, but at least coming
22 through April of that last year was not gonna be in a
23 repairable place.

24 Q. Were you aware before the fruit video
25 incident — I realize you have a lot of students that you

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1 deal with.

2 A. Um-hum.

3 Q. In fact, how many students are in the
4 School District, roughly?

5 A. District-wide, we were about 1637 last
6 year.

7 Q. So a lot of students. Were you aware
8 that Jared was allergic to fruit before this incident?

9 A. That wouldn't be knowledge that I would
10 have.

11 MR. READY: I have no further questions
12 at this time.

13 BY MS. O'DONNELL:

14 Q. I would like you to take a look at
15 Exhibit No. 4 — 24, I'm sorry — 24.

16 A. Which one?

17 Q. 24.

18 A. (Witness complies.)

19 Q. And take a look at it quickly to refresh
20 your recollection.

21 A. (Witness reviewed document.)

22 Q. And indicate what the purpose of this
23 e-mail was.

24 A. This was an e-mail from me to the Board
25 at 11:39 on the night of — I think it's the Board

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1 meeting.

2 When I got — Maria came to — Maria
3 Jones came to get me to go to the auditorium and the —
4 after the meeting to speak with the Directors, I walked
5 into the aftermath of a negative situation, and that he
6 was — this is kind of my summary to what happened that
7 night.

8 He accused her of lying, which we spoke
9 about earlier, because Mrs. Hartenstine was not
10 speaking up. And then the statement that this is not
11 over, getting more people to come forward. When I
12 walked in, the teacher was visibly upset and crying and
13 did admit to me that she was feeling threatened.

14 Because I knew that I had, as I stated
15 earlier and is in documentation, Mrs. Zackon's
16 involvement with Mrs. Eck, I was trying very hard to be
17 responsive to the Board's request for information as to
18 what was happening. Our Drama Department is very
19 strong here and very much supported by the community;
20 that there were a lot of rumors and gossip and things
21 going on throughout the small town that we all live and
22 work in — or work in, I don't live here, but — so
23 that they were aware at night so that the communication
24 didn't get out in front of me.

25 Q. In the second full paragraph it says:

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1 Students are angry with him for his actions when he
2 returned to the auditorium after he left the Board
3 meeting. What does that mean?

4 A. Well, he was — as I stated earlier, when
5 he spoke at the Board meeting, he spoke very well. When
6 he went back to the auditorium, through the
7 investigation, he went in front of the cast, thanked them
8 for supporting him. And it was all about him and his
9 role in the musical and his leadership in the Drama Club
10 and thank you for supporting me against Mrs. Lyons and —
11 before the rehearsal, I guess, got back under way.

12 And the kids were upset because the
13 others that came back from the Board meeting must have
14 just folded right into rehearsal, and they did whatever
15 they were doing at rehearsal that night, which I don't
16 know what that is.

17 And according to Jordan's words, as I
18 stated earlier, that this is not over. And then I do
19 state that because — you know, that I will take care
20 of it because of what — the rest of it that came out
21 through the investigation of the treatment of a
22 professional staff member.

23 Q. When you say, but I will take care of it,
24 you said, but I will end his role in it. Do you see
25 that?

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Correct

Q. And you said that, even knowing that, at least two of the Board members were very supportive of Jordan. Did you think that was going to be an issue?

A. I knew it was going to be an issue with the two Board members who think that he should have gotten the lead in the musical just because of who he is and what his aspirations were beyond high school. But they were not present when it was casted, and I still — and they did not understand, and I don't know if they understand to this point, that that show was cast by a group of individuals, not by an individual person.

Q. Well — but you said you would end his role in it. Did you have the authority to end his role in the —

A. Yes. I was granted authority to do what I needed to do to make sure that the show either went on, it didn't go on; if people were disruptive or not, doing what they need to do in rehearsal or disruptive to the rest of the 70 some people, then I had the authority in which to remove students from it, just as we would an athletic team.

If somebody is not showing up to rehearsals — or to practices or not performing and not doing what they need to do, they're removed from the

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athletic team. This extracurricular activity is the same way. It is a privilege, not a right.

MS. O'DONNELL: Those are all the questions I have.

BY MR. READY:

Q. Two quick questions. Did you send this e-mail here in Exhibit 24 to anyone other than the Board?

A. No. That's what All — that's my group list for the Board, is All.

Q. Sure. Second, you mentioned students were angry with him. Which students?

A. Just cast students.

Q. Which cast students or where did you hear that? Did a student approach you, or was it just something that a teacher told you, perhaps?

A. No. I think it was students that were in the auditorium, but I can't remember who. But I can tell you it wasn't Jared, it wasn't Jordan, it wasn't Haley, it wasn't Vinny.

I would imagine it was like Connor Alexander. There are some other students that I worked closely with because of other educational need, not behavioral. There's a lot of high school students that I work closely with for other reasons.

They were just frustrated with the

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gossip and the anger and the continual disruption that is being caused.

MR. READY: Thank you for your time.

MS. O'DONNELL: Okay, thanks very much.

(Whereupon, the deposition concluded at 12:45 o'clock p.m.)

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CERTIFICATE

I, Lori A. Dilks, the officer before whom the deposition of DR. TRACY SHANK was taken, do hereby certify that DR. TRACY SHANK, the witness whose testimony appears in the foregoing deposition, was duly sworn by me on November 14, 2019, and that the transcribed deposition of said witness is a true record of the testimony given by her; that the proceedings are herein recorded fully and accurately to the best of my ability; that I am neither attorney nor counsel for, nor related to any of the parties to the action in which this deposition was taken; and, further, that I am not a relative of any attorney or counsel employed by the parties hereto or financially interested in this action.

Lori Dilks
Lori A. Dilks

PA Court Reporter
Notary Public in and for the Commonwealth of Pennsylvania

My Commission expires
November 29, 2023

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Wednesday, March 20, 2019

Dr. Shank,

At approximately 10:00pm on Wednesday, March 20, 2019, Jordan Euk asked to speak privately with Mrs. Stacy Lyons at the conclusion of rehearsal. She asked that I along with Mrs. Maria Jones be there as a witness to the conversation. Jordan did not object to myself or Mrs. Jones being present during the conversation.

The majority of the conversation was between Mrs. Lyons and Jordan. At one point, Jordan looked at me and said "Well you're awfully quiet, don't you have anything to say ...?" in which I replied "I am just listening." He proceeded to question my own feelings about a similar situation when I was in high school back in 2009 that I openly shared with all of the cast back in January about when I auditioned for the leading role and did not get the part. He told me that he "just couldn't believe that I wasn't upset and wanted to be comforted about not getting the leading part that I auditioned for" in which I responded, "Yes, I was upset, but I made peace with the decision, made sure my friend that I was up against was okay after very hurtful things were said about her, moved on, and had a great show." Mrs. Lyons asked Jordan if he was accusing me of lying. He vocalized that he still did not believe me, making me feel like he was calling me a liar about a situation he knows nothing about that happened 10 years ago. I felt threatened and disrespected.

The lack of respect that Jordan has shown towards me as a dedicated teacher, assistant director, and volunteer to this program and district will not be tolerated any longer.

Respectfully,

Abigail Harrison

5th Grade Mathematics Teacher
Assistant Director, OVHS Drama Department
Band Majorette Director, OVHS Marching Lynx



OVSD 000000074

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Following the board meeting, I was in the main hallway outside the library waiting to clean up the board room and put away laptops once executive session was finished. A custodian called me over to him and said Mrs. Lyons had requested another adult be present in the auditorium. I told him I would go and see if any assistance was needed. When I got there, students were leaving the auditorium and Mrs. Lyons, Ms. Hartenstein, and Jordan Eck and Vinny Ferrizzi were walking up the steps into the back of the music hallway. When I asked if I could be of any assistance, Jordan walked away and Vinny spoke to Mrs. Lyons and Ms. Hartenstein. I offered to stay to provide a neutral party, as Vinny was visibly upset. Mrs. Lyons said I should stay. Vinny spoke to Mrs. Lyons stating that he was upset with things and was not sure what he wanted to say, and wanted to say he knew she worked hard, but maybe didn't know how to talk to students since she was not a teacher. He said he was hurt when she "called him out" in front of other students. Mrs. Lyons acknowledged his feelings and asked if any teachers ever corrected a student in front of their peers. He said no. Vinny seemed conflicted in what he was thinking and trying to say, and seemed unsure of what he wanted to see changed in the drama program. Vinny ended up thanking Mrs. Lyons for listening to him and left.

Mrs. Lyons went to the steps to see if Jordan wanted to speak with her and Ms. Hartenstein. Jordan did come into the hallway and again I offered to stay as a neutral party. Jordan appeared angry. Both Mrs. Lyons and Jordan initially appeared tense. Jordan told Mrs. Lyons he was disappointed in decisions she had made and things she had said. Mrs. Lyons acknowledged Jordan's feelings and his right to have those feelings. Mrs. Lyons stated she was disappointed in actions Jordan and some other drama club students have made. Mrs. Lyons spoke to Jordan about how people can disagree over things, but can to move forward together toward a common goal. She spoke to him about how two people can perceive the same information in a different way. Mrs. Lyons appeared less tense. Jordan appeared tense and angry, with clenched fists and head shaking whenever something was said that he did not agree with. Jordan repeatedly said he wanted things to change, but could not say specifically what, other than rehearsals were not starting on time. Mrs. Lyons said that sometimes students cannot get to the rehearsals at the scheduled start time, but that it would be a goal for all students and staff to start rehearsals on time. Jordan again brought up that he was not speaking out because he was not given the lead role in the play. Mrs. Lyons said that seemed to be the time when the problems started. Jordan accused Ms. Hartenstein of lying or making up a story that she had told the cast about a time when she had not gotten the lead part but her best friend had, rumors were circulating about why her friend had gotten the part, and Ms. Hartenstein reached out to her friend because she cared about her and supported her. Jordan said "Who would do that? Why would you not want to be comforted if you didn't get the part? Who would not want to be comforted?" It was evident Jordan could only think of himself at this time and not other parties. Ms. Hartenstein was visibly upset and tearful that Jordan accused her of making this up. Mrs. Lyons asked Jordan if he did not see how he had made Ms. Hartenstein upset with his accusations, but Jordan did not seem to care about how his words and actions made other people feel. He said at one point to Mrs. Lyons, "I was going to hang you out to dry, I really was," and "I'm not saying that they have to fire you but," Jordan said he was not sure how to move forward and Mrs. Lyons suggested being calm, coming to rehearsals with a calm attitude, greeting the other students and apologizing to them, reaching a hand out to them and asking them to work together with him. Jordan said he had a lot of homework to do and nodded at us and left.



OVSD 000000075

When I went down the hallway to the doors outside the auditorium, Jordan, his parents, Vinny Ferrizzi, Rafael Forsyth, and Haley Hartline were standing there. They asked me if they would find out the results of the executive session. I told them no action would be taken this evening. They asked if action would be taken, when would it be taken? I told them action items would go on a board agenda and the next board meeting was on April 10th, and that board and committee meetings are open to the public and the schedules are posted online, or they can call my extension to ask about meeting dates/times. Vinny Ferrizzi then asked me if Mrs. Zackon was in the school building at any time during the school day. I told him that board members are like other members of the public and community and if they wanted to come to any of the schools, they would need to schedule that with the building principal. Vinny said he would contact Mrs. Zackon outside of school. I asked him if he knew how to contact her and he nodded. I told them all board members names and addresses are public information and he nodded. Jordan turned to me and said "I'm going to get more people. We'll get more people. This isn't over." Jordan appeared angry, staring at me when he said this.

I am a support staff member and not an educator, but I was concerned with the anger and lack of empathy I observed in Jordan. Whenever something was said that he did not agree with, there was head shaking and clenching of fists. He appeared that if he did not get what he wanted, he would not be satisfied, no matter what accommodations or resources could be offered. In my daily interactions with students, I have not seen this level of anger and lack of awareness of other's feelings.

Marla H. Jones

QVSD 000000078

Joint Appendix00274

OLEY VALLEY SCHOOL DISTRICT

No. 220

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/
DISTRIBUTION AND POSTING
OF MATERIALS

ADOPTED: November 17, 1999

REVISED: October 11, 2006
May 18, 2016

	220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS
1. Purpose Title 22 Sec. 12.9	<p>The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to distribute and post materials in areas designated for posting as a part of that expression. The Board also recognizes that exercise of that right must be limited by the district's responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.</p> <p>This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.</p>
2. Definitions	<p>Distribution - students handing non-school materials to others on school property or during school-sponsored events; placing upon desks, on or in lockers; or engaging in any other manner of delivery of non-school materials to others while on school property or during school functions. When email, text messaging or other technological delivery is used as a means to distributing or accessing non-school materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.</p> <p>Expression - verbal, written or symbolic representation or communication.</p> <p>Non-school Materials - any printed or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or extracurricular program of the district, including but not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites and the like.</p>

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Joint Appendix00275

220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS - Pg. 2

	<p>Posting - publicly displaying non school materials on school property or at a school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student websites; through district-owned technology and the like.</p>
<p>3. Authority Title 22 Sec. 12.9</p>	<p>Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions, threatens serious harm to the school or community, encourages unlawful activity, or interferes with another's rights.</p>
<p>SC 511 Title 22 Sec. 12.2, 12.9</p>	<p>Student expression that occurs on school property or at school-sponsored events is fully governed by this policy. In addition, off campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as stated in this policy and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community, encourages unlawful activity, or interferes with another's rights.</p>
<p>SC 510 Title 22 Sec. 12.9</p>	<p>The Board shall require that distribution and posting of non-school materials occur only at the places and during the times set forth in written administrative regulations. Such regulations or procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p>
	<p><u>Unprotected Student Expression</u></p> <p>The Board reserves the right to designate and prohibit manifestation of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions including but not limited to:</p> <ol style="list-style-type: none"> 1. Libel of any specific person or persons. 2. Advocating the use or advertising the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students. 3. Using obscene, lewd, vulgar or profane language - whether verbal, written or symbolic. 4. Inciting violence; advocating use of force; or encouraging violation of federal, state, or municipal law, Board policy or district rules or regulations.
<p>Title 22 Sec. 12.2</p>	

220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS - Pg. 3

<p>4. Delegation of Responsibility</p> <p>Title 22 Sec. 12.9</p>	<p>5. Are likely to or do materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions, threaten serious harm to the school or community, encourage unlawful activity, or interfere with another's rights.</p> <p>6. Violating written school district administrative regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression.</p> <p>Spontaneous student expression which is otherwise protected speech is not prohibited by this section.</p> <p><u>Discipline For Engaging In Unprotected Expression</u></p> <p>The Board reserves the right to prohibit the posting or distribution of non-school materials containing unprotected expression and to prohibit students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, an understanding between unprotected expression and a substantial and material disruption of the school program must be established.</p> <p><u>Distribution Of Non-School Materials</u></p> <p>The Board requires that students who wish to distribute or post non-school materials on school property shall submit them one (1) day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.</p> <p>If the non-school materials contain unprotected expression as stated in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.</p> <p>If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written administrative regulations or procedures on time, place and manner of posting or distribution of non-school materials.</p> <p>Students who post or distribute non-school materials in compliance with this provision may still be ordered to cease such distribution if the materials are later found to be unprotected expression under this policy.</p> <p>Students who distribute printed materials shall be responsible for clearing any liter</p>
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220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS - Pg. 4

	<p>that results from their activity and shall schedule the event so that they do not miss instructional time themselves.</p> <p><u>Posting Of Non-School Materials</u></p> <p>If a school building has an area where individuals are allowed to post non-school materials, students may post such items as well, if the materials do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.</p> <p>Such materials shall be officially dated, and the district may remove the materials within ten (10) days of posting or other reasonable time as stated in the administrative regulation or procedures relating to posting.</p> <p><u>Review Of Student Expression</u></p> <p>School officials shall not censor or restrict non-school materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.</p> <p>Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution, or if the expression involved violates some other part of this policy, e.g. because it is independently determined to be unprotected expression under the standards and definitions of this policy.</p> <p>The review for unprotected expression shall be reasonable and not calculated to delay distribution.</p> <p>Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district regulations or procedures.</p> <p>The Superintendent shall assist the building principal in determining the designation of the places and times non-school materials may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of non-school materials to non-instructional times.</p> <p>Disciplinary action may be determined by the administrators for students who distribute or post non-school materials in violation of this policy and district regulations or procedures, or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.</p> <p>The Board policy and any administrative regulations or procedures written to implement this policy shall be referenced in student handbooks so that</p>
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220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS - Pg. 5

	<p>students can access them for further information.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 511</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9</p>
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No. 233

SECTION: PUPILS

TITLE: SUSPENSION AND EXPULSION

ADOPTED: November 17, 1999

REVISED: July 14, 2004
May 18, 2016OLEY VALLEY
SCHOOL DISTRICT

96+	233. SUSPENSION AND EXPULSION
1. Purpose	The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process. The Board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.
	The Board may, after a proper hearing, suspend a student for such time as it deems necessary or may permanently expel a student.
2. Guidelines	<u>Exclusion from School - Suspension</u>
3. Delegation of Responsibility	The principal or person in charge of the school may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive days and shall immediately notify the suspension to the parent/guardian and the Superintendent in writing when the student is suspended.
SC 1318 Title 22 Sec. 12.6	No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard on his/her own behalf before the school official who holds the authority to reinstate the student. Prior notice is not required where it is clear that the health, safety, or welfare of the school population is threatened. Suspensions may not run consecutively beyond the ten-school-day time period.
Title 22 Sec. 12.7	When the suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place as soon as possible after the suspension, and the district shall offer to hold it within the first five (5) days of the suspension.
SC 1318 Title 22 Sec. 12.6, 12.8	Informal hearings under this provision shall be conducted by the designated school official(s).
	<u>Purpose of Informal Hearing</u>

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233. SUSPENSION AND EXPULSION - Pg. 2

<p>2 Pa. C.S.A. Sec. 101 et seq</p>	<p>The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended, and to discuss ways to avoid future offenses.</p> <p><u>Due Process Requirements For Informal Hearing:</u></p> <ol style="list-style-type: none"> 1. The student and parent/guardian shall be given written notice of the reasons for the suspension. 2. The student and the parent/guardian shall receive sufficient notice of the time and place of the informal hearing. 3. The student may question any witnesses present at the informal hearing. 4. The student may speak and produce witnesses who may speak at the informal hearing. 5. The school district shall offer to hold the informal hearing within five (5) days of the suspension. Delay of such hearing shall not delay the student's return to school.
<p>Title 22 Sec. 12.6, 12.8</p>	<p><u>Exclusion From Class - In-School Suspension</u></p> <p>No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action by the school.</p> <p>Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal. Such hearing shall take place prior to the eleventh day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions.</p>
<p>2 Pa. C.S.A. Sec. 101</p>	<p>The district shall provide for the student's education during the period of in-school suspension.</p> <p><u>Expulsion</u></p> <p>Expulsion is exclusion from school by the Board for a period exceeding ten (10) consecutive school days. The Board may permanently expel from the district rolls</p>

233. SUSPENSION AND EXPULSION - Pg. 3

any student whose misconduct and disobedience warrants this section. No student shall be expelled without an opportunity for a formal hearing before a duly authorized committee of the Board, and upon action taken by the Board after the hearing.

Expulsion Hearings:

A formal hearing shall be required in all expulsion actions.

The formal hearing shall observe the due process requirements of:

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when s/he demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of written statements or affidavits.
6. The right to request such witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:
 - a. The need for laboratory reports from law enforcement agencies.
 - b. Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
 - c. Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.

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10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Adjudication:

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.

Attendance/School Work During Suspension and Prior to Expulsion:

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school district may exclude such a student from class for up to five (5) additional -- fifteen (15) total -- school days if, after an informal hearing, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety, and welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Students may not participate in any school activities during the period of suspension. Further, students are not permitted on any school property at any time during the period of suspension, except to confer with the administrator, or to pick up or deliver work assignments at a time designated by the administrator. Students may lose school privileges in addition to the suspension depending upon the severity of the offense.

Attendance/School Work After Expulsion:

Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school district shall, within ten (10) school days of receipt of the parent's/guardian's notification, make provision for the student's education.

233. SUSPENSION AND EXPULSION - Pg. 5

The Board may provide an educational program to the student immediately upon expulsion and may waive the thirty 30-day period, at its discretion.

Students With Disabilities

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.

The Superintendent or designee shall develop administrative regulations to implement this policy which include:

1. Publication of a Code of Student Conduct, in accordance with Board policy on student discipline.
2. Procedures that ensure due process when a student is being deprived of the right to attend school.
3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board. Such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.

Transfer Students

Any student requesting permission to transfer from another school while serving an unfinished suspension and/or expulsion imposed by that school entity must appear, with a parent/guardian, at a formal hearing before the Board, or committee thereof, to determine the legitimacy of the imposed suspension or expulsion. The Board reserves the right to continue or modify the existing suspension or expulsion and impose conditions for a student's admission to district-operated schools or programs.

5. Comply with all local, state and federal laws.
6. Exercise proper care when using all facilities and equipment.
7. Attend school daily and be on time for all classes and other school functions.
8. Make up work and assessments when absent from school.
9. Pursue satisfactorily to complete the courses of study prescribed by Commonwealth and Oley Valley School District authorities.
10. Report accurately in student media.
11. Not use obscene language in student media or on school premises.

OVHS CODE OF CONDUCT

CODE OF CONDUCT

The public schools have a compelling responsibility to develop reasonable rules and regulations regarding student conduct. The schools have an institutional responsibility to provide a safe and healthy environment for students. The climate of the school must provide for the protection of the rights of students to receive an education. Recent reports have validated this need and emphasized the absolute necessity for reasonable rules and regulations that govern student conduct. There can be no excellence in education without an orderly instructional environment. Teachers must be able to teach and students must be able to learn in an environment that is free from undue disruption. This Student Code of Conduct is intended to be a clear and understandable message of the critical nature of this mission.

OFF SITE OR AFTER HOURS CONDUCT

In some circumstances, off-site or after-hours conduct may subject students to school discipline. Whether school discipline will be imposed depends on whether the misconduct causes disruption or it is reasonably foreseeable that disruption may result. The actual or foreseeable disruption may be to school work or to the school community, by using school property or equipment or by involving school activities or interactions in the planning, organizing or advertising of the misconduct, including but not limited to conduct utilizing various forms of technology.

All facilities (including parking lots) used for school events are covered by school policy. Examples include, but are not limited to: athletic fields and parking lots as well as other facilities/parking areas for such events as the prom and graduation, concerts, fun nights, etc.

OVHS STUDENT CODE OF CONDUCT

This Code of Student Conduct outlines the rules and regulations that are designed to maintain a standard of conduct in the schools of the

District. This publication is intended to accomplish the following purposes:

1. It meets the legal requirements of Section 12.3(c) of Title 22 of the Pennsylvania Code, which requires that the District adopt a code of student conduct and distribute copies to both students and parents. It also meets the requirements of Act 26 of 1995 as it relates to possession of weapons and the Safe Schools Initiative. To comply with this provision, this Student Code of Conduct will be included in a condensed format in student and parent handbooks and will also be available on the school's website.
2. It establishes a rational standard of behavior that is expected of students in achieving the objective of providing a safe environment for the pursuit of knowledge.
3. It helps prepare students for life in a democratic society where adopted laws govern and maintain a measure of protection and security for citizens within the framework of freedom.

The Code includes many of the strategies used to maintain a safe and disciplined environment. It also has a strong focus on a cooperative effort among students, parents and school personnel and helps to define the essential role of each participant in the process. The maintenance of a positive learning climate in the schools of the District is dependent upon the provision of a controlled environment free from undue interference or disruption. To accomplish this objective, four critical elements must exist:

1. The Board of School Directors and Administration must determine the rules and regulations that apply to student conduct, the penalties for violations and the rights and responsibilities of individuals within the system.
2. School personnel must be familiar with the structure of the system and work diligently to insist upon proper behavior and guide students toward self-discipline.
3. Students must be aware of rules and regulations and be willing to assume responsibility for their behavior.
4. Parents must be familiar with the rules and regulations and be willing to support the school in the attempt to provide a productive climate for learning.

This Code of Student Conduct is intended to provide a base for this interaction and cooperation of these critical elements. Disciplinary options are examples and should not be interpreted as an all-inclusive sequential list.

Level 1 - Action(s), which interfere with orderly operation of the classroom or school. Seriousness of the violation may require initiation of discipline at a higher level as deemed appropriate by the Administration. Disciplinary Options are examples of alternatives and should not be interpreted as an all-inclusive sequential list.

Infraction(s):

- Abusive language
- Destructive behavior
- Cheating and/or plagiarism
- Classroom disturbance
- Disrespectful speech or action
- Failure to follow established procedures
- Failure to submit required note
- Littering
- Unauthorized use of electronic device

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- Repeated tardiness to school/class
- Violation of acceptable use policy
- Writing in books or on desk
- Dress code violation

Disciplinary Option(s):

- Behavior contract
- Parent contact
- Conference
- Teacher detention
- Detention
- Loss of classroom privileges
- Verbal reprimand
- Loss of network privileges

Procedure(s):

- Staff member may assign teacher detention and/or contact the parent/guardian
- Student may be referred for disciplinary action
- A conference may be required if necessary
- Documentation will be maintained for future reference

Level 2 – Actions whose frequency or seriousness disrupt the orderly operation of the classroom or school. Seriousness of the violation may require initiation of discipline at a higher level as deemed appropriate by the Administration. Disciplinary Options are examples of alternatives and should not be interpreted as an all-inclusive sequential list.

Infraction(s):

Continuation of unmodified Level 1 misbehavior

Cyber bullying

Cutting class, study hall, activity period

Cutting school and/or cutting more than one class

Disruptive behavior at social functions, athletic contests or co-curricular/extracurricular activities

Disruptive behavior on school property, the properties bordering the school, on the school bus, or at a bus stop.

Failure to identify oneself correctly

Fighting

Harassment/bullying of other persons

Horseplay or pushing (no harm intended or inflicted)

In an unauthorized area

Inappropriate use of electronic devices

Insubordination

Lying

Theft (minor – under \$200)

Vandalism (minor)

Disciplinary Option(s):

- Any appropriate option from Level 1
- Referral to outside agency
- Change daily schedule
- Parental conference
- Detention

Saturday detention

- Social probation (No participation in extracurricular/co-curricular activities)
- Suspension

Procedure(s):

- Student may be referred for disciplinary action.
- Documentation will be maintained for future reference.
- The administrator may conference with the student, teacher, and witnesses.
- Every attempt will be made to contact the parent/guardian regarding the infraction and the discipline rendered.
- In cases of suspected injury, every attempt will be made to assist the student with proper medical treatment by certified medical professionals and parents/guardians will be contacted.

Level 3 – includes offenses against persons or property or offenses whose consequences may endanger the health, safety, or welfare of self or others in the school. Level 3 offenses may result in the notification of law enforcement agencies (PA Code Section 1317).

Seriousness of the violation may require initiation of discipline at a higher level as deemed appropriate by the Administration.

Disciplinary Options are examples of alternatives and should not be interpreted as an all-inclusive sequential list.

Infraction(s):

- Continuation of unmodified Level 2 misbehavior
- Hazing
- Obscene and/or threatening calls or messages
- Possession of fireworks, smoke bombs, etc.

- Smoking and/or violation of tobacco policy
- Student to student assault/battery or physical attack (no injury incurred - intent to harm)
- Tampering with fire extinguisher or other emergency equipment
- Potty theft (Over \$200)
- Sexual misconduct of any nature
- Threatening another student (verbal, written, or inciting)
- Vandalism (major)
- Gambling

Discipline Option(s):

- Any appropriate disciplinary option from proceeding groups
- Suspension
- Possible expulsion
- Referral to law enforcement agency and/or district justice

Procedure(s):

- Student may be referred for disciplinary action.
- Documentation will be maintained for future reference.
- The administrator may conference with the student, teacher, and witnesses.
- Every attempt will be made to contact the parent/guardian regarding the infraction and the discipline rendered.
- In cases of suspected injury, every attempt will be made to assist the student with proper medical treatment by certified medical professionals and parents/guardians will be contacted.
- Restitution of property and/or cost of damages
- Referral to law enforcement agencies and/or district magistrate.

Level 4 - Includes acts resulting in violence to another's person or property or posing a direct threat to the safety of others in the school. Level 4 infractions are very serious and may require administrative action which may result in immediate removal of the student from school and/or subsequent action by the Board of School Directors. Level 4 discipline infractions may be reported to law enforcement officials. Seriousness of the violation may require initiation of discipline at an even higher level as deemed appropriate by the Administration. Disciplinary Options are examples of alternatives and should not be interpreted as an all-inclusive sequential list.

Infraction(s):

- Continuation of unmodified Group Three behaviors
- Arson
- Assault/battery
- Bomb threat
- Calling in false alarms
- Disorderly conduct
- Extortion
- Furnishing/selling/possession/under the influence of a controlled substance
- Intimidation: Ethnic, Racial
- Hate Crimes
- Malicious Harassment
- Physical attack on a staff member
- Possession/use/transfer of weapons (P.S.C.13-1317.2)
- Reckless Endangering
- Robbery
- Sexual Harassment
- Sexual Offenses
- Student to student assault/battery or physical attack (injury incurred)
- Terroristic Threats
- Threatening school officials/faculty/staff
- Theft/possession/sale of stolen property
- Unlawful demonstrations
- Use of fireworks, smoke bombs, etc.
- Other criminal acts committed at school or school-related events

Disciplinary Option(s):

- An appropriate disciplinary response from proceeding groups
- Expulsion by the Board of School Directors
- Appropriate placement of student at an alternative school

Procedures:

- Student may be referred for disciplinary action.
- Documentation will be maintained for future reference.
- The administrator may conference with the student, teacher, and witnesses.
- Every attempt will be made to contact the parent/guardian regarding the infraction and the discipline rendered.
- In cases of suspected injury, every attempt will be made to assist the student with proper medical treatment by certified medical professionals and parents/guardians will be contacted.
- Restitution of property and/or cost of damages

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- Referral to law enforcement agencies and/or district magistrate.
- Complete statements by student and staff witnesses or those reporting offense shall be given to administrator.
- A complete and accurate written report submitted to the Superintendent within 48 hours of the incident.
- If appropriate, the Superintendent shall recommend further action to the Board of School Directors.

REMOVAL OF PRIVILEGES

Students may have school privileges revoked for violating the OVHS Code of Conduct. These privileges include but are not limited to extracurricular (athletic and non-athletic), school sponsored activities, graduation, baccalaureate, school social events, including dances, prom, and/or positions of leadership in clubs and other school organizations.

TEACHER DETENTION

Teachers may assign students to after school detention as an alternative to administrative detentions. Assigning teachers will monitor students in his/her classroom until no later than 2:50 PM. The teacher assigning the detention must give one-day notice to the student, the parent/guardian, and administration.

DETENTION

In certain cases, a student may be required to remain after the conclusion of the normal school day for infractions of school regulations. Detention is held from 2:45 PM until 3:45 PM under the supervision of a staff member. Students will not be admitted late. Students may also serve their detentions during any regularly scheduled detention prior to the actual assigned day. Time in detention is to be spent working constructively.

If homework is complete, students may read appropriate material that must meet the approval of the instructor.

There shall be no talking, use of electronic devices, eating, sleeping, or disrupting others during detention.

Students shall sit where the supervisor places them without question.

Disruption from detention may result in additional discipline.

Only in the case of an emergency or with administrative permission shall a student be allowed to leave assigned detention early.

Students who fail to serve their assigned administrative detention shall be assigned a Saturday detention.

SATURDAY DETENTION

A student may be required to attend a Saturday detention for infractions of the disciplinary code. On the day(s) a student is assigned a Saturday detention, he or she is to report to the High School lobby by 8:50 AM. Detention will be held from 9:00 AM to 11:30 AM.

1. Students are permitted to work on school-related assignments.

2. Students who violate the rules for Saturday detention shall be removed immediately and their parents or guardians shall be contacted.

3. Failure to attend Saturday detention shall result in a parent conference with the high school administration and immediate suspension.

4. If a student does not attend the assigned Saturday detention, they will be assigned one (1) day of suspension. Students will not be eligible for participation in any extra-curricular activity until the day after the suspension has been served.

5. Absence from Saturday detention due to illness or family emergency must be documented and previously approved by the administration. A doctor's note is required for absences due to illness. Students with excused notes shall be assigned to the next scheduled Saturday detention.

SUSPENSION

Students who are suspended shall be required to complete course work assigned to them during their suspension. The teachers shall provide assignments, but it is the student's responsibility to make arrangements to complete these assignments. Arrangements to pick up the assignments are to be made by contacting the guidance office. Assigned work must be completed by the time the student returns to school unless another deadline is specified on the assignment. Students will be given 1 day per day of OSS to makeup any tests/quizzes that occurred during the period the student was suspended.

Students who are serving a suspension will not participate in co-curricular or extracurricular activities. Any Oley Valley student suspended at the BCTC may also be placed on suspension from Oley Valley High School.

EXCLUSIONS FROM SCHOOL

Suspension - Suspension is a severe administrative disciplinary action that is taken only when: (1) milder forms of disciplinary action have been ineffective in correcting the student's behavior, (2) the student commits a violation found within the Level II, III, IV classification or (3) the student represents an immediate danger to him/herself or to the school community. During the period of the suspension, the student:

1. Must stay at home during regular school hours. Students may not go to work or run errands.

2. Students must be supervised by an adult during the term of the suspension.

Suspension is exclusion from school for a period of 1 to 10 consecutive school days; suspensions will be assigned by the Administration. No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. An attempt will be made to notify parents of the student on the day the suspension is imposed. The parents will also be notified in writing with a copy forwarded to the Superintendent's office.

Informal Hearing - When the suspension exceeds three (3) school days, the student and the parents will be given the opportunity for an informal hearing before the building administrator. The hearing shall be offered to be held within the first five (5) days of the suspension. The purpose of this informal hearing is to enable the student and the parent to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended. The informal hearing is intended to bring forth all relevant information regarding the event for which the student may be suspended and to encourage the student's parents to meet with the administrator to discuss ways to avoid future offenses.

Due Process Requirements - The following due process requirements are to be observed in regard to the informal hearing:

1. Notification of the reasons for the suspension shall be given in writing to parents or guardians and the student.
2. Sufficient notice of the time and place of the informal hearing shall be given. The informal hearing will take place within the first five (5) days of the suspension.
3. A student has the right to question any witness present at the hearing.

A student has the right to speak and produce witnesses on his/her own behalf.

Effects of Suspension - The following Effects of Suspension apply:

1. **Assessments and School Work:** Students shall have the responsibility to make up assessments and work missed during the period of the suspension and shall be permitted to complete these assignments within guidelines established by the School Administration.

2. **School Activities:** Students may not participate in any school activities during the period of suspension. Students are not permitted on any school property at any time during the period of suspension, except to confer with the administration or to pick up or deliver work assignments at a time designated by the administrator.

3. **Loss of Privileges:** Students could lose school privileges following the suspension depending upon the severity of the offense. The type and length of lost privileges is to be determined by Administration.

Expulsion - is exclusion from school imposed by the Board of School Directors for a period exceeding ten school days and may be permanent expulsion from the school rolls. All expulsions require either an Agreement and Waiver of Hearing and an Agreement for Expulsion signed by the student, parents(s) and School Board or a prior formal hearing before a committee of the Board of School Directors or a duly authorized committee of the board or a qualified hearing examiner appointed by the board. When the hearing is conducted by a committee of the board or a hearing examiner, a majority vote of the entire school board is required to expel a student. The formal hearing will be scheduled during the first ten days of the suspension. If it is impossible to schedule a hearing during this ten day period, the student may be returned to school pending the hearing. Students who are less than 17 years of age are subject to the Compulsory School Attendance Laws even though expelled.

The initial responsibility for providing the education rests with the student's parent or guardian through placement in another school or through tutoring or through an alternate educational program approved by the District. If the parents or guardians are unable to provide the required education, they must within thirty days submit to the District superintendent written evidence outlining the attempts which have been made and the reasons for non-compliance. If thirty days pass without the District receiving satisfactory evidence that the required education is being provided, the District will contact the parent. If these efforts are not productive, the District has the option to provide some alternate educational program or take action in accordance with Chapter 63 of The Juvenile Act (42 P.A. C.S. 6301-6308).

Formal Hearing - The following due process procedures are to be observed with regard to the formal hearing:

1. Notification of the charges shall be sent to the student's parents or guardian by certified mail or counter delivery.
2. Notice of the time and place of the hearing must be given.
3. The hearing shall be held in private unless the student or parent requests a public hearing.
4. The student has the right to be represented by counsel.

The student has the right to be presented with the names of witnesses against the student and copies of the statements and affidavits of those witnesses.

6. The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.

7. The student has the right to testify and present witnesses on his or her own behalf.

8. A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at his or her own expense, to a copy of the transcript.

9. The proceeding shall be held within 15 school days of the notification of the charges, unless mutually agreed to by both parties. Hearings may be delayed for any of the reasons set forth in 22 Pa. Code 12.8(b)(9).

Where the student disagrees with the results of the hearing, recourse is available in the appropriate court of the Commonwealth. Notice of a right to appeal the results of a hearing shall be provided to the student with the expulsion decision.

The Board of School Directors has defined the types of offenses that could lead to exclusion from school. These offenses may take the form of suspension or expulsion and include but are not limited to the following:

1. Insubordination or defying school authorities;
2. Destruction or willful defacing of school property;
3. Hazardous or unauthorized use of vehicles;
4. Use, possession or distribution of dangerous drugs or drug-related paraphernalia as defined in the Dangerous Drugs, Device and Cosmetics Act;
5. Use, possession or distribution of 'look-alike' drugs defined as a non-controlled substance that has a stimulant or Depressant effect on humans and resembles a controlled substance in appearance;
6. Use, possession or distribution of anabolic steroids as defined in Act 93 of 1989;
7. Use, possession or distribution of alcoholic beverages;
8. Use, possession or distribution weapons or fireworks;
9. Fighting or physical assault;
10. Theft;
11. Gambling;
12. Use of profane language or obscene language or gestures;
13. Disorderly, vicious, illegal or immoral conduct;
14. Persistent or severe harassment, intimidation, extortion or bullying;
15. Participation in or responsibility for causing damage, destruction or vandalism to District property or to the Personal property of District employees, whether on or off school premises;
16. Verbal or physical assault directed toward a District employee, either on or off school premises;
17. Violation of any local, state or federal law, as appropriate;
18. Persistent violation of school rules and regulations or an accumulation of minor offenses;

19. Excessive unexcused absence or tardiness by a student not subject to compulsory attendance laws;
20. Possession, use or distribution of any weapon as defined by Act 26 of 1995 to include, but not be limited to, any knife, cutting instrument, cutting tool, nunchuk, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury;
21. Possession or use of any incendiary devices to include but not limited to lighters or matches;
22. Terrorist Threat/Bomb Threat; and
23. Possession, use or distribution of any replica or 'look-alike' weapon as defined in School Board Policy.

CONTACTING LAW ENFORCEMENT AGENCIES

The Board of School Directors has established a policy with regard to contact with law enforcement agencies involving discipline as a result of activities occurring on school property or at a school event. Some examples of law enforcement contact are as follows: Police assistance will be requested when a person fails to respond to a request to leave the premises, when any person is creating a disturbance and fails to respond to requests to cease and desist or when any action threatens the health, safety or welfare of any person. The police will also be contacted when any person other than police officers are in possession of a dangerous weapon. Police will be contacted for identification of substances and assistance in the investigation of all violations of the Dangerous Drugs, Device and Cosmetics Act (Purdon's Pennsylvania Statutes, 35 P.S. Sections 780-101 through 780-144) or drugs, including those which fall under the "look alike" category. Police may also be contacted for cases of verbal or physical assault or violation of local, state or federal law depending on the seriousness of the incident. Victims of violations of local, state and federal law may choose to file charges under these statutes independent of school disciplinary actions. School personnel are often asked why they do not file charges for some specific student disciplinary incidents. While the school has broad discretion in student discipline matters, the school does not have jurisdiction to file charges in all incidents. The police and/or the District Attorney will make that decision after an incident report is filed by the school.

SEARCH AND SEIZURE

School officials have the authority to lawfully search students or their belongings, including lockers, automobiles, school-owned electronic devices, purses, backpacks, clothing, and other possessions, without a warrant, when in school, on school grounds or when otherwise under school supervision, if there is a reasonable suspicion that the place or thing to be searched contains prohibited contraband material that would pose a threat to the health, safety and welfare of the school population, or evidence that there has been a violation of the law, Board policy, or school rules. The scope and extent of searches must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched.

STUDENT DEBT/SMALL CLAIMS COURT PROCEDURES

Students are expected to pay all debts in a timely manner.

The Oley Valley School District will make every effort to inform students/parents of debts/obligations. Debts/obligations include but are not limited to textbooks, technology, athletic uniforms, and other district owned supplies and equipment.

In the event that a student has a debt, the student may lose privileges including but not limited to field trips, prom, dances, graduation, field days, assemblies, etc. Additionally, a student with debt/obligations will not receive their diploma until the debt/obligation has been paid. These debt/obligations include any debt/obligation at BCTC.

At the end of each month building administrators will send a list of names, addresses, and debts/obligations owed to the Superintendent's office. The list will be for any student who has a debt/obligation over \$25.

The Superintendent's office will forward the information to the school solicitor who will send a "demand for payment letter" to the parents/guardians of students informing them that they have 10 days to pay or litigation will be filed.

The Superintendent's office will notify building administrators when the letters have been mailed which will begin the 10-day window.

After 10 days, the building administrators will complete a "Civil Complaint Form" for each student with a debt/obligation which will result in filing in small claims court. Copies of the filing should be sent to the school solicitor.

For Debts/Obligations Accrued After May 1st:

In addition to the above procedures, if a debt/obligation occurs after May 1st, the district will contact the parents/guardians to inform them of the debt/obligation. Parents/guardians will be given five business days to repay the debt/obligation prior to their name being sent to the Superintendent's Office. The list will be for any student who has a debt/obligation over \$25.

TRANSPORTATION

SCHOOL BUS

Means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

SCHOOL VEHICLE

Means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary, or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

TRANSPORTATION

Following the board meeting, I was in the main hallway outside the library waiting to clean up the board room and put away laptops once executive session was finished. A custodian called me over to him and said Mrs. Lyons had requested another adult be present in the auditorium. I told him I would go and see if any assistance was needed. When I got there, students were leaving the auditorium and Mrs. Lyons, Ms. Hartenstein, and Jordan Eck and Vinny Ferrizzi were walking up the steps into the back of the music hallway. When I asked if I could be of any assistance, Jordan walked away and Vinny spoke to Mrs. Lyons and Ms. Hartenstein. I offered to stay to provide a neutral party, as Vinny was visibly upset. Mrs. Lyons said I should stay. Vinny spoke to Mrs. Lyons stating that he was upset with things and was not sure what he wanted to say, and wanted to say he knew she worked hard, but maybe didn't know how to talk to students since she was not a teacher. He said he was hurt when she "called him out" in front of other students. Mrs. Lyons acknowledged his feelings and asked if any teachers ever corrected a student in front of their peers. He said no. Vinny seemed conflicted in what he was thinking and trying to say, and seemed unsure of what he wanted to see changed in the drama program. Vinny ended up thanking Mrs. Lyons for listening to him and left.

Mrs. Lyons went to the steps to see if Jordan wanted to speak with her and Ms. Hartenstein. Jordan did come into the hallway and again I offered to stay as a neutral party. Jordan appeared angry. Both Mrs. Lyons and Jordan initially appeared tense. Jordan told Mrs. Lyons he was disappointed in decisions she had made and things she had said. Mrs. Lyons acknowledged Jordan's feelings and his right to have those feelings. Mrs. Lyons stated she was disappointed in actions Jordan and some other drama club students have made. Mrs. Lyons spoke to Jordan about how people can disagree over things, but can to move forward together toward a common goal. She spoke to him about how two people can perceive the same information in a different way. Mrs. Lyons appeared less tense. Jordan appeared tense and angry, with clenched fists and head shaking whenever something was said that he did not agree with. Jordan repeatedly said he wanted things to change, but could not say specifically what, other than rehearsals were not starting on time. Mrs. Lyons said that sometimes students cannot get to the rehearsals at the scheduled start time, but that it would be a goal for all students and staff to start rehearsals on time. Jordan again brought up that he was not speaking out because he was not given the lead role in the play. Mrs. Lyons said that seemed to be the time when the problems started. Jordan accused Ms. Hartenstein of lying or making up a story that she had told the cast about a time when she had not gotten the lead part but her best friend had, rumors were circulating about why her friend had gotten the part, and Ms. Hartenstein reached out to her friend because she cared about her and supported her. Jordan said "Who would do that? Why would you not want to be comforted if you didn't get the part? Who would not want to be comforted?" It was evident Jordan could only think of himself at this time and not other parties. Ms. Hartenstein was visibly upset and fearful that Jordan accused her of making this up. Mrs. Lyons asked Jordan if he did not see how he had made Ms. Hartenstein upset with his accusations, but Jordan did not seem to care about how his words and actions made other people feel. He said at one point to Mrs. Lyons, "I was going to hang you out to dry, I really was," and "I'm not saying that they have to fire you but," Jordan said he was not sure how to move forward and Mrs. Lyons suggested being calm, coming to rehearsals with a calm attitude, greeting the other students and apologizing to them, reaching a hand out to them and asking them to work together with him. Jordan said he had a lot of homework to do and nodded at us and left.



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Joint Appendix00291

When I went down the hallway to the doors outside the auditorium, Jordan, his parents, Vinny Ferfizi, Rafael Forsyth, and Haley Hartline were standing there. They asked me if they would find out the results of the executive session. I told them no action would be taken this evening. They asked if action would be taken, when would it be taken? I told them action items would go on a board agenda and the next board meeting was on April 30th, and that board and committee meetings are open to the public and the schedules are posted online, or they can call my extension to ask about meeting dates/times. Vinny Ferfizi then asked me if Mrs. Zackon was in the school building at any time during the school day. I told him that board members are like other members of the public and community and if they wanted to come to any of the schools, they would need to schedule that with the building principal. Vinny said he would contact Mrs. Zackon outside of school. I asked him if he knew how to contact her and he nodded. I told them all board members names and addresses are public information and he nodded. Jordan turned to me and said "I'm going to get more people. We'll get more people. This isn't over." Jordan appeared angry, staring at me when he said this.

I am a support staff member and not an educator, but I was concerned with the anger and lack of empathy I observed in Jordan. Whenever something was said that he did not agree with, there was head shaking and clenching of fists. He appeared that if he did not get what he wanted, he would not be satisfied, no matter what accommodations or resources could be offered. In my daily interactions with students, I have not seen this level of anger and lack of awareness of other's feelings.

Marla H. Jones

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Joint Appendix00292

OLEY VALLEY HIGH SCHOOL
DISCIPLINE REFERRAL FORMStudent Name: Harry Jackson Grade: _____ Date: 3/21/19

Referring Teacher: _____ Period/Class: _____

Time of Incident: 1:30 Location of Incident: _____Others Involved: ☐ Note ☐ Peers ☐ Staff ☐ Teacher ☐ Substitute ☐ Unknown ☐ Other _____

Problem Behavior (Completed by Administrator)	Disciplinary Action (Completed by Admin)	Consequences/Interventions (Completed by Administrator)
<input type="checkbox"/> Bus Misconduct	<input type="checkbox"/> Avoid adult direction	<input type="checkbox"/> Verbal Warning
<input type="checkbox"/> Cafeteria Misconduct	<input type="checkbox"/> Invite peer conflict	<input type="checkbox"/> Phone Call to Parent/Guardian
<input type="checkbox"/> Academic Dishonesty/Cheating	<input type="checkbox"/> Avoid task/activity	<input type="checkbox"/> Conference with Parent/Guardian
<input type="checkbox"/> Class Misconduct	<input type="checkbox"/> Unknown	<input type="checkbox"/> Lunch Detention
<input type="checkbox"/> Cut Class	<input type="checkbox"/> Obtain adult attention	Date(s) Assigned: _____
<input type="checkbox"/> Cut School	<input type="checkbox"/> Obtain item/activity	<input type="checkbox"/> After School Detention
<input type="checkbox"/> Failure to Serve Detention	<input type="checkbox"/> Obtain peer attention	Date(s) Assigned: _____
<input type="checkbox"/> Disrespect/Insubordination	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Saturday Detention
<input type="checkbox"/> Participating/Inciting a Disturbance		Date(s) Assigned: _____
<input type="checkbox"/> Dress Code Violation		<input checked="" type="checkbox"/> Out of School Suspension (OSS)
<input type="checkbox"/> Forgery		Date(s) Assigned: <u>3/22</u>
<input type="checkbox"/> Handbook Violation		<input type="checkbox"/> Removal from District Transportation
<input type="checkbox"/> Inappropriate Language/Comments/Gesture		Date(s) Assigned: _____
<input type="checkbox"/> Left Class Without Permission		<input type="checkbox"/> Loss of Privilege(s): _____
<input type="checkbox"/> Left School Without Permission		<input type="checkbox"/> Behavior Contract
<input type="checkbox"/> Late to Class (On 4 th late per semester)		<input type="checkbox"/> Referral to School Counselor
<input type="checkbox"/> Late to School (On 4 th late per semester)		<input type="checkbox"/> Other: _____
<input type="checkbox"/> Mobile Device Violation		
<input type="checkbox"/> Abuse of Pass		
<input type="checkbox"/> Public Display of Affection		
<input type="checkbox"/> Refusal to Cooperate with School Rules		
<input type="checkbox"/> Technology Violation		
<input type="checkbox"/> Unsafe Practice		
<input type="checkbox"/> Assault on Student		
<input type="checkbox"/> Assault on Staff		
<input type="checkbox"/> Fight		
<input type="checkbox"/> Threat		
<input type="checkbox"/> Theft		
<input type="checkbox"/> Bullying		
<input type="checkbox"/> Vandalism		
<input type="checkbox"/> Drug/Alcohol Violation		
<input type="checkbox"/> Weapon Violation		
<input type="checkbox"/> Tobacco Violation		

Discipline Code: 015

Incident Detail Narrative (Completed by Referring Faculty/Staff Member)

Lost the bus and was in yellow in 9014 12 +

made a two day

Administrator Signature: [Signature] Date: 3/21/19

<input checked="" type="checkbox"/> Entered into School File	<input type="checkbox"/> Deleted from School File
<input type="checkbox"/> Entered into School File	<input type="checkbox"/> Deleted from School File

REV 7/12/18



DVSD 000000485

A 000000204

Joint Appendix00293

From: Chris Becker
 To: Dawn Cambria; Tracy Shank
 CC: AnnMarie Borovik
 Date: 3/19/2019 3:41 PM
 Subject: Meeting Notes...

Meeting Notes:

I was alerted last night around 9 PM by Dr. S to connect with Ann Marie in the morning.

Ann Marie and I connected this morning to review the student incident report. We went to the scheduled IEP meeting together scheduled at 7:30 am and also was told that Jared's mom was with Mrs. Snyder. We went to the meeting and said we would have that meeting at about 7:50 am in my office. Mom was OK with the wait time.

At 7:50 am, Ann Marie, Jared, Jared's mother, and I met to review the incident. Safety was the big focus and take away of the meeting. Jared's mom also mentioned that Jared thought Mrs. Eck was in the parking lot at the dance studio last night as he was leaving. The dance studio is located close to Pricetown Road. We also discussed that last night a meeting occurred with Stacy Lyons to discuss the recent events and a plan moving forward.

We took the following actions steps during the meeting:

- 1). Mom will be calling Central Berks police today to keep the incident on file.
- 2). Jared spoke about his decision to continue with the play (video idea was discussed from Monday evening).
- 3). Jared also spoke about what his end game is. He mentioned— no sliding among friends, drama, and making the play the best it can be.
- 4). We also spoke about the process we follow as a school..that we would be talking to Jordan, etc. Jared understood and knows he has 2 trusted adults in the room to report too if an incident or drama would occur today or any day in school. The meeting ended after that discussion.

At the conclusion of this meeting— Ann Marie and I called down and met w/ Jordan. We spoke to Jordan about the following items:

Work release— He needs to report. If for some reason he does not..he needs to come to the main office to discuss.

We asked him about the recent drama and incidents regarding the play. He mentioned he wanted to talk to Dr. S and about 6-7 other students were planning to do that today. When we mentioned Dr. S was not available, we told him to see Deb and a schedule would be reviewed.

He spoke to Ann Marie about a note book situation yesterday that she handled with Haley. He was also stated 2-3x about wanting Jared to get the help that he needed. He also mentioned at Jared was seen on a snap chat video showing his middle finger. He mentioned an example of a dance off that occurred at the MS production this weekend which was the focus of that snap chat video.



QVSD 000000885

A 000000213

Joint Appendix00294

Ann Marie & I around 10:45 am called OFF, SMITH from Central Berks to file the school's incident report with the notes above. We spoke about the incident notes from above. Off. Smith was very thankful that we gave him the heads up. He also was told that the play and specific parts in the play have caused this tension among the students since Winter 2019.

About 1 hour later...a representative of central berks police and Jared's mom came to the progressions office to fill out the incident report from about 11:45-12:30 PM today.

Mrs. Eck called Mr. Becker's phone line around 1:30 PM this afternoon. I will be calling her back with a witness (Ann Marie) later today.

At 2:59 PM- we made that phone call.

Mom asked that whatever is going on- she wants to be present.

She is really upset about him being questioned.

Ann Marie & I both spoke about the review of the notes above from Jordan's office visit today.

Social Media conversation occurred. Mom and Jordan has this talk often.

Jordan was accused of "abuse" by the drama director in the past.

Mom requested again that when he is questioned- a parent needs to be present.

Kids are tired of Stacy. Mom want onto the idea of favoring 1 student over another.

Conversation ended at 3:15 PM.

Mr. Chris Becker

Principal

Wiley Valley High School

610-987-4100 X6003

@WileyValleyHS

QVSD 000000896

A 000000214

Joint Appendix00295

From: Tracy Shank
To: AJ
Date: 3/20/2019 11:39 PM
Subject: FYI @ tonight

I went to the auditorium tonight after the meeting to speak with the Directors only to walk into the aftermath of a negative situation whereby Jordan was speaking to the cast thanking them for supporting him and helping him get things changed. He then verbally accosted the assistant director and accused her of lying and not speaking up and then closed with "this is not over and I will be getting more people to come forward". The teacher was visible upset, crying, and felt threatened by him. The teacher used the words "verbally attacked".

I am obtaining the statements from the teacher and witnessed by Maria and the teacher.

I am going to issue discipline regarding tonight's situation and depending on what the rest of the investigation reveals tomorrow Jordan may have just finished his last rehearsal tonight. Students are angry with him for his actions when he returned to the auditorium after he left the Board meeting.

According to Jordan's own words, "this is not over" but I will end his role in it.

We will run the process in the morning.

Thank you for your support and understanding in a very difficult situation.



OVSD 000000898

A 000000215

Joint Appendix00296

cbecker - Re: Phone Call 3/25/19

3/26/2019 Page 1

From: Chris Becker <cbecker@ovsdpa.org>
To: Tracy Shank
Stacy Lyons
Date: 3/25/2019 5:37 PM
Subject: Re: Phone Call 3/25/19

My impression is that she is mad at all of us for everyone that has transpired recently. She will need some time to calm down.

We can all sit down with her or call in the short term depending on everyone's availability....

Chris Becker
Principal
Oley Valley High School
Sent from my iPhone

> On Mar 25, 2019, at 5:33 PM, Tracy Shank <TShank@ovsdpa.org> wrote:

>

> I hope that the truth will soon come out...

>

>

>>> Stacy Lyons 03/25/19 17:22 PM >>>

> Let me know if you need anything from me.

>

> Oh - an interesting nugget. So The Repko's claim that I caused their son to quit college 2 years in. They were going to pull Sam if I was not fired...

>

> Sam is still attending rehearsals, Mrs Repko emailed me today regarding a raffle basket to cover the fundraising requirement for Sam and.... on Friday we had our cast and family movie night. Sam attended WITH his younger brother Aaron. If I'm such an awful person then why are you putting your youngest son in my care!!!!

>

> They had a great time and Aaron enjoyed the movie and sitting with Sam, Jared and others.

>

>

>

>>> Chris Becker 03/25/19 15:43 PM >>>

> Hello:

>

>

> I wanted to alert you that I spoke to HH mother this morning around 7:10 am.

> It was a conversation that was over 10 minutes. I have been busy throughout the day but felt the need to email everyone and document my notes.

>

>

> At the beginning of our conversation-

> She was a little bothered about the suspension and wording that I used last week.



OVSD 000000907

A 000000216

Joint Appendix00297

checker - Re: Phone Call 3/25/19

3/26/2019 Page 2

- > But then the conversation went quickly into asking for a meeting with the two of you....
- > Throughout the phone call- Mom and her emotions were calm, loud, and crying.
- >
- > My notes include:
- >
- >
- > She used the word "staff bullying" about the play, cast meeting last week (Looking at her daughter while speaking), and a recent food conversation with another student and not getting parent notification.
- >
- > Talked about the board meeting and how someone said they were affected 2 years after leaving the HS.
- >
- >
- > She is available anytime to meet but may need to be "calmed down" during our meeting. Mentioned maybe the students dad would be there and finally be involved?
- >
- >
- > Mentioned a student was one of Mrs. Lyons's is a "Pet weasel"
- >
- >
- > Mentioned her daughter is ill and medicine is not working.
- >
- >
- > Mentioned her daughter's GPA and how she is a good student but was upset about the attendance letter that was recently sent home (10 day for 18-19 school year)
- >
- >
- > At one point- I talked about moving forward over the last 45-50 days of school- She said this won't be over because lawyers will be involved.
- >
- >
- > I believe I have everything documented and wanted to keep everyone on the same page.
- >
- >
- > Thank you,
- >
- >
- >
- > Mr. Chris Becker
- > Principal
- > Oley Valley High School
- > 610-987-4100 X6003
- > @OleyValleyHS
- >

OVSD 000000808

A 000000217

Joint Appendix00298

From: Chris Becker
To: Dawn Cambria; Tracy Shank
CC: AnnMarie Borovik
Date: 3/19/2019 3:41 PM
Subject: Meeting Notes...

Meeting Notes:

I was alerted last night around 9 PM by Dr. S to connect with Ann Marie in the morning.

Ann Marie and I connected this morning to review the student incident report. We went to the scheduled IEP meeting together scheduled at 7:30 am and also was told that Jared's mom was with Mrs. Snyder. We went to the meeting and said we would have that meeting at about 7:50 am in my office. Mom was OK with the wait time.

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We took the following actions steps during the meeting:

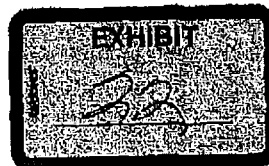
- 1). Mom will be calling Central Berks police today to keep the incident on file.
- 2). Jared spoke about his decision to continue with the play (video idea was discussed from Monday evening).
- 3). Jared also spoke about what his end game is. He mentioned- no siding among friends, drama, and making the play the best it can be.
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At the conclusion of this meeting- Ann Marie and I called down and met w/ Jordan. We spoke to Jordan about the following items:

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We asked him about the recent drama and incidents regarding the play. He mentioned he wanted to talk to Dr. S and about 6-7 other students were planning to do that today. When we mentioned Dr. S was not available, we told him to see Deb and a schedule would be reviewed.

He spoke to Ann Marie about a note book situation yesterday that she handled with Haley. He was also stated 2-3x about wanting Jared to get the help that he needed. He also mentioned that Jared was seen on a snap chat video showing his middle finger. He mentioned an example of a dance off that occurred at the M5 production this weekend which was the focus of that snap chat video.



OVSD 000000895

cbecker - Re: Phone Call 3/25/19

3/26/2019 Page 2

- > But then the conversation went quickly into asking for a meeting with the two of you....
- > Throughout the phone call- Mom and her emotions were calm, loud, and crying.
- >
- >
- > My notes include:
- >
- >
- > She used the word "staff bullying" about the play, cast meeting last week (Looking at her daughter while speaking), and a recent food conversation with another student and not getting parent notification.
- >
- > Talked about the board meeting and how someone said they were affected 2 years after leaving the HS.
- >
- >
- > She is available anytime to meet but may need to be "calmed down" during our meeting. Mentioned maybe the students dad would be there and finally be involved?
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- > Mentioned a student was one of Mrs. Lyons's is a "Pet weasel"
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- >
- >
- > Thank you,
- >
- >
- >
- > Mr. Chris Becker
- > Principal
- > Oley Valley High School
- > 610-987-4100 X6003
- > @OleyValleyHS
- >

OVSD 000000908

Joint Appendix00300

Subject: Need your help	Help
Date: 2019-03-19 15:32:51	
From: Stacy Lyons	
To/Cc: kellyandshawnconrad@aol.com	
View Message	View Source

Hi Shawn,

I need your help. I've spent the last 2 months shielding the kids from some very horrible stuff happening behind the scenes with a student and his mother. Unfortunately the situation has escalated to the point that this student posted something against the other student and police were called in. This mother and her son want me fired and in the mothers words "she is going to destroy me" - all of this because her son was not cast as Jack.

I have been working closely with Dr Shank and the administration since January. This parent has made friends with Mrs Zackon on the school board. This is helping to fuel the fire.

Dr Shank let me know today that this parent is planning on attending the school board meeting tomorrow night at 7pm in the HS library.

I am reaching out to ask any and all parents that believe in this program and students that love the program to please show up to show your support. We are in jeopardy of losing this program.

Any questions feel free to call me 610-621-6588

Stacy Lyons
Director
OVHS Drama Department
slyons@ovsdpa.org
610-621-6588 (c)

"Christine & Bernie Frankowiak" <christinefrankowiak@christinefrankowiak.com>	2.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Rob & Erica Witt" <ericawitt77@pdl.net>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Kerry Matteoli" <matteoli@icloud.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Jessica & David Kauffman" <jes0925@comcast.net>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Beth Hoch" <sbsahoch@gmail.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Mrs. Griffiths" <griffiths71201@gmail.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Rachel Kerper" <rachelkerper@gmail.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Brad Teeters" <Brad.teeters@gmail.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Cinnamon Kopicki" <cinnamonkopicki@yahoo.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Jillian Prout" <sym48@aol.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Catherine Wagner" <cgosj@yahoo.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Jere Stoudt" <jerdan0609@yahoo.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Teresa Fegley" <mom80703@aol.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Adam Schanely" <aschanely@gmail.com>	3.7K "Stacy Lyons" <stacylyons@ovsdp.org>
"Jennifer Schiegl" <jrschiegl@comcast.net>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Tracy Donoff" <tracydonoff@gmail.com>	3.8K "Stacy Lyons" <stacylyons@ovsdp.org>
"Juli Bertin" <jbertin@gmail.com>	4.0K "Stacy Lyons" <stacylyons@ovsdp.org>
kellyandshawnconrad@aol.com	4.5K "Stacy Lyons" <stacylyons@ovsdp.org>
kellyandshawnconrad@aol.com	3.6K "Stacy Lyons" <stacylyons@ovsdp.org>

From: Tracy Shank
To: All
Date: 3/20/2019 11:39 PM
Subject: FYI @ tonight

I went to the auditorium tonight after the meeting to speak with the Directors only to walk into the aftermath of a negative situation whereby Jordan was speaking to the cast thanking them for supporting him and helping him get things changed. He then verbally accosted the assistant director and accused her of lying and not speaking up and then closed with "this is not over and I will be getting more people to come forward". The teacher was visibly upset, crying, and felt threatened by him. The teacher used the words "verbally attacked".

I am obtaining the statements from the teacher and witnessed by Maria and the teacher.

I am going to issue discipline regarding tonight's situation and depending on what the rest of the investigation reveals tomorrow Jordan may have just finished his last rehearsal tonight. Students are angry with him for his actions when he returned to the auditorium after he left the Board meeting.

According to Jordan's own words, "this is not over" but I will end his role in it.

We will run the process in the morning.

Thank you for your support and understanding in a very difficult situation.



QVSD 000000898

D18Da

Case 5:19-cv-01873-MAK Document 48-2 Filed 12/03/19 Page 157 of 181

Case 5:19-cv-01873-MAK Document 46-1 Filed 11/25/19 Page 186 of 218

checker - Re: Fwd: Statement

3/21/2019 Page 1

From: Tracy Shank
To: Chris Becker
Date: 3/21/2019 7:37 AM
Subject: Re: Fwd: Statement

This will be a 3 out and he will be out of the show based on his behavior last night after the board mtg.

>>> Chris Becker 03/21/19 07:34 AM >>>
I printed this and will see Maria this am as well...

Mr. Chris Becker
Principal
Oley Valley High School
610-987-4100 X6003
@OleyValleyHS

S. Lyons signature
✓ He is no longer part of the practice.

> > Tracy Shank 3/21/2019 7:27 AM >>>
You need to get a statement from Maria as well. She will be in by 830.
We will run this issue today.

3/21/19 2:48 PM
Shank's member
Thanks + disrespects
Notes
** \$ Baed for Jordan*
Ans, video
OS + Day removal
Lyons

Review of events
Live lesson

Director of
Mrs. Heumann
for 10pm
OVSD 000000899



0181a

OLBY VALLEY HIGH SCHOOL
DISCIPLINE REFERRAL FORM

Student Name: Jordan, Evan Grade: 12th Date: 3/21/19
 Referring Teacher: Harkness Period/Class: PLAY PRACTICE
 Time of Incident: 930 AM Location of Incident: AVO
 Others Involved: ☐ None ☐ Peers ☐ Staff ☐ Teacher ☐ Substitute ☐ Unknown ☐ Other

Problem Behavior (Completed by Administration)	Possible Motivation (Completed by Admin)	Consequence/Intervention (Completed by Administration)
<input type="checkbox"/> Bus Misconduct	<input type="checkbox"/> Avoid Adult Attention	<input type="checkbox"/> Verbal Warning
<input type="checkbox"/> Cafeteria Misconduct	<input type="checkbox"/> Invite peer conflict	<input type="checkbox"/> Phone Call to Parent/Guardian
<input type="checkbox"/> Academic Dishonesty/Cheating	<input type="checkbox"/> Avoid task/activity	<input checked="" type="checkbox"/> Conference with Parent/Guardian
<input type="checkbox"/> Class Misconduct	<input type="checkbox"/> Unknown	<input type="checkbox"/> Lunch Detention
<input type="checkbox"/> Out Class	<input type="checkbox"/> Obtain adult attention	Date(s) Assigned: _____
<input type="checkbox"/> Out School	<input type="checkbox"/> Obtain items/activities	<input type="checkbox"/> After School Detention
<input type="checkbox"/> Failure to Serve Detention	<input type="checkbox"/> Obtain peer attention	Date(s) Assigned: _____
<input type="checkbox"/> Disrespect/Insubordination	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Saturday Detention
<input type="checkbox"/> Participating/Inciting a Disturbance		Date(s) Assigned: _____
<input type="checkbox"/> Dress Code Violation		<input checked="" type="checkbox"/> Out of School Suspension (OSS)
<input type="checkbox"/> Forgery		Date(s) Assigned: <u>3/22/25</u>
<input type="checkbox"/> Handbook Violation		<input type="checkbox"/> Removal from District Transportation
<input type="checkbox"/> Inappropriate Object		Date(s) Assigned: _____
<input type="checkbox"/> Inappropriate Language/Comments/Gestures		<input type="checkbox"/> Loss of Privilege(s): _____
<input type="checkbox"/> Left Class Without Permission		<input type="checkbox"/> Behavior Contract
<input type="checkbox"/> Left School Without Permission		<input type="checkbox"/> Referral to School Counselor
<input type="checkbox"/> Late to Class (On 4 th late per semester)		<input checked="" type="checkbox"/> Other: <u>3 steps</u>
<input type="checkbox"/> Late to School (On 4 th late per semester)		<u>not sure / unknown</u>
<input type="checkbox"/> Mobile Device Violation		
<input type="checkbox"/> Abuse of Pass		
<input type="checkbox"/> Public Display of Affection		
<input type="checkbox"/> Refusal to Cooperate with School Rule		
<input type="checkbox"/> Technology Violation		
<input type="checkbox"/> Unsafe Practice		
<input type="checkbox"/> Assault on Student		
<input type="checkbox"/> Assault on Staff		
<input type="checkbox"/> Fight		
<input type="checkbox"/> Threat		
<input type="checkbox"/> Theft		
<input checked="" type="checkbox"/> Bullying		
<input type="checkbox"/> Vandalism		
<input type="checkbox"/> Drug/Alcohol Violation		
<input type="checkbox"/> Weapon Violation		
<input type="checkbox"/> Tobacco Violation		

AS OF
Current
Investigation

Discipline Code: OUT OF PLAY

Incident Detail Narrative (Completed by Referring Faculty/Staff Member)

See Incident Report + Offenses to OSS
See

Administrator Signature

Date: 3/21/19Entered into School PLUS
ParentOffice Use Only
Original (Student File)
Teacher

Guidance

RLV 7/12/18



OVSD 000000904

0182a

OLEY VALLEY HIGH SCHOOL
DISCIPLINE REFERRAL FORMStudent Name: Jordan Eck Grade: 10th Date: 3/21/19Referring Teacher: Harkins / Shank Period/Class: _____Time of Incident: 9:10 PM Location of Incident: AWOOthers Involved: ☐ None ☐ Peers ☐ Staff ☐ Teacher ☐ Substitute ☐ Unknown ☐ Other: _____

Problem Behavior (Completed by Administrator)	Possible Reaction(s) (Completed by Admin)	Consequences/Reactions (Completed by Administrator)
<input type="checkbox"/> Bus Misconduct	<input type="checkbox"/> Avoid adult direction	<input type="checkbox"/> Verbal Warning
<input type="checkbox"/> Cafeteria Misconduct	<input type="checkbox"/> Incite peer conflict	<input type="checkbox"/> Phone Call to Parent/Guardian
<input type="checkbox"/> Academic Dishonesty/Cheating	<input type="checkbox"/> Avoid inactivity	<input checked="" type="checkbox"/> Conference with Parent/Guardian
<input type="checkbox"/> Class Misconduct	<input type="checkbox"/> Unknown	<input type="checkbox"/> Lunch Detention
<input type="checkbox"/> Out Class	<input type="checkbox"/> Obtain adult attention	Date(s) Assigned: <u>3/21/19 Dr. Shank + Mr. Becker</u>
<input type="checkbox"/> Out School	<input type="checkbox"/> Obtain item/activity	<input type="checkbox"/> After School Detention:
<input type="checkbox"/> Failure to Serve Detention	<input type="checkbox"/> Obtain peer attention	Date(s) Assigned: _____
<input checked="" type="checkbox"/> Disrespect/Insubordination	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Saturday Detention:
<input type="checkbox"/> Participating/Inciting a Disturbance		Date(s) Assigned: _____
<input type="checkbox"/> Dress Code Violation		<input checked="" type="checkbox"/> Out of School Suspension (OSS)
<input type="checkbox"/> Forgery		Date(s) Assigned: <u>3/22/19 2:00</u>
<input type="checkbox"/> Handbook Violation		<input type="checkbox"/> Removal from District Transportation
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<input type="checkbox"/> Late to Class (On 4 th late per semester)		<input checked="" type="checkbox"/> Other: <u>removed from class</u>
<input type="checkbox"/> Late to School (On 4 th late per semester)		Discipline Code: _____
<input type="checkbox"/> Mobile Device Violation		
<input type="checkbox"/> Abuse of Pass		
<input type="checkbox"/> Public Display of Affection		
<input type="checkbox"/> Refusal to Cooperate with School Rule		
<input type="checkbox"/> Technology Violation		
<input type="checkbox"/> Unsafe Practices		
<input type="checkbox"/> Assault on Student		
<input type="checkbox"/> Assault on Staff		
<input type="checkbox"/> Fight		
<input type="checkbox"/> Threat		
<input type="checkbox"/> Theft		
<input type="checkbox"/> Bullying		
<input type="checkbox"/> Vandalism		
<input type="checkbox"/> Drug/Alcohol Violation		
<input type="checkbox"/> Weapon Violation		
<input checked="" type="checkbox"/> Tobacco Violation		

Incident Detail Narrative (Completed by Referring Faculty/Staff Member)

Interaction w/ MS. Harkins on 3/21/19

MS. Harkins felt threatened + disrespectful from her

Administrator Signature: [Signature]Date: 3/21/19 Referral☒ Entered into eSchool PLUSOffice Use Only
Original Student File
TeacherDate: 3/21/19

REV 7/12/18

EXHIBIT

OVSD 000000154

0183a

(5/10/2019) Tracy Shank - Re: Ferrizzi

Page 1

From: Tracy Shank
To: slyons@ovsdpa.org;
Date: 3/24/2019 11:03 PM
Subject: Re: Ferrizzi

I would try to develop an understudy for him so when he pulls the week of the show for affect we are ready

>>> Stacy Lyons 03/24/19 22:56 PM >>> I do - would prefer that we make the change this week instead of the week of the show when he decides to act up

>>> Tracy Shank 03/24/19 10:53 PM >>>
Have a back up plan for Vinnie's part.

If this is anything like the rest of the year, he will continue to push the line as far as he can.

>>> Stacy Lyons 03/24/19 22:48 PM >>> Thanks for the intel

>>> Tracy Shank 03/24/19 10:46 PM >>>
Chris,
Please speak with Vinnie and have him bring in the contract.

If his behavior becomes problematic let Chris know and we will address it.

I do understand from a source that wishes to remain anonymous that he is reporting directly to two board members.

Vinnie has been know to ease drop on conversations with me, my office, Katie and other teachers.

Dr S

>>> Stacy Lyons 03/24/19 22:38 PM >>> Hi Tracy and Chris,
I hope you had a good weekend.

@Chris - thank you again for coming along to our Reading Eagle field trip. It was great getting to know you and I hope you enjoyed spending time with the drama kids. They truly had a great day!

I think Abby and Chris would agree that based on some of the behavior we saw from Vinny Ferrizzi, we may have a mole in our midst. It was apparent that at one point he was trying to ease-drop on our conversation. The kids are also being very cautious. I will continue to keep a close eye on this behavior.

In the beginning of each play or musical I have the kids and parents sign a contract. This is something that I started using a year ago not because of discipline issues but to address commitment issues. I always have some stragglers in completing the form and this show was not different. I was emailing the cast members and their parents into February and reminding them at rehearsals.

I received signed contracts from all of the cast members with the exception of Vinny. I have given him the

(5/10/2019) Tracy Shank - Re: Ferrizzi

Page 2

form twice, emailed it 5 times to both he and his parents. Vinny indicated several times that he forgot the form and would bring it in. With everything going on I have not emailed Vinny and his parents recently. I would like to request that Vinny and his parents sign the attached before he is allowed to return to the stage. It is only fair to the other cast members.

I think I would feel more comfortable if you were able to help me get the signed contract from Vinny. Is this something you can help me with?

I have connected with several female directors through a group that my daughter runs in DC and have received other examples of contracts that they have developed over time in their own programs. I'll be looking at revamping the attached for any future productions - I'll have you review and approve before implementing.

Thank you!
Stacy

Stacy Lyons
Director
OVHS Drama Department
slyons@ovsdpa.org
610-621-6588 (c)

(6/10/2019) Tracy Shank - FYI

Page 1

From: Tracy Shank
To: All.GWPOST2.OVSDDOM
BC: MJones@ovsdp.org
Date: 3/24/2019 10:52 PM
Subject: FYI

Musical rehearsals went much better this weekend.

Only two students have removed themselves from the show. One I removed because of his behavior and his girlfriend then quit.

The 3rd student who is and has been problematic, Vinnie F, is acting out and beginning to undermine other cast members, ease drop on conversations, and not follow directions. If it continues I will address it. The other students are beginning to complain about his negativity and immaturity.

OVSD 000000960

0196a

(5/10/2018) Tracy Shank - Musical

Page 3

From: Tracy Shank
To: All;
CC: Jms@bmflaw.com;
Date: 4/14/2018 10:34 AM
Subject: Musical

Just an FYI -

The musical went very well. All 3 shows were outstanding.

Then last night Vinnie F was very negative with the cast and crew stating he took notes on everything, someone is going down, and there is going to be a "big law suit".

Students and parents were very upset....so strike is today so I have instructed Stacy that if Vinnie shows up just send him home.

OVSD 000000935

0187a

From: Chris Becker
To: Tracy Shank
Cc: Dawn Cambria
Date: 4/2/2019 9:56 AM
Subject: Re: HH Phone Call 4/2/19

Thanks. I will continue to work hard and put our students first.
I hope you have a good day.
Back to art interviews!

Mr. Chris Becker
Principal
Oley Valley High School
610-987-4100 X6003
@OleyValleyHS

>>> Tracy Shank 4/2/2019 9:53 AM >>>
It is much bigger than this...but that is for me to handle.

I need you to keep running the high school and get the tasks accomplished that will be us
forward for students.

>>> Chris Becker 04/02/19 09:43 AM >>>
Thanks for understanding.
I really believe this is coming from yesterday and an attempt to
challenge our discipline dispositions.

Mr. Chris Becker
Principal
Oley Valley High School
610-987-4100 X6003
@OleyValleyHS

>>> Tracy Shank 4/2/2019 9:41 AM >>>
I understand.
A meeting will not be helpful.



OVSD 00000010

D193a

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Once the student has met all the requirements for graduation they may graduate early.

-> Chris Becker 04/02/19 09:38 AM >>>

Thanks...I printed the email and have my handwritten notes in the folder.

I just spoke to Dawn a few moments ago...

My conversations with Mom have been very heated towards us and Stacy.

The original request was to meet with all three of us. Now- my impression

is that she wants to meet with you or you and I. However, the conversation today did not give me the feeling whatsoever a meeting would be cordial and helpful.

Mr. Chris Becker

Principal

Oley Valley High School

610-987-4100 X6003

@OleyValleyHS

>>> Tracy Shank 4/2/2019 9:33 AM >>>

There is nothing that needs to be done.

- document your conversations; don't meet alone; and focus on the positives.

>>> Chris Becker 04/02/19 08:17 AM >>>

I wanted to type notes/quotations from my morning conversation this morning w/ HH mother..

7:34 am-

"Dr. Shank threatened my daughter...Suspension was level 3 offense....My daughter is not violent..

I want to speak to the board about the level 3 offense...then Dr. Shank...

"I proud of you people for bullying my daughter...like the special education paperwork...

"Don't understand what is going on at your school...letter is ridiculous....She is an A student"

"Can my daughter just graduate now?" - "No..we don't have the authority to just graduate students"

..ake it away and I will go away"..

"This is bullying my daughter"

"I don't care how much it takes...so figure it out if you want me to go away in 2 months..."

OVSP 000000911

0194a

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Stacy Lyons- Lies about parents, record needs to be straight...discusses board meeting once again....

We can talk tomorrow about how to proceed....I will stop and visit Dawn later this morning as well....

Thanks,

Mr. Chris Becker
Principal
Oley Valley High School
610-987-4100 X6003
@OleyValleyHS

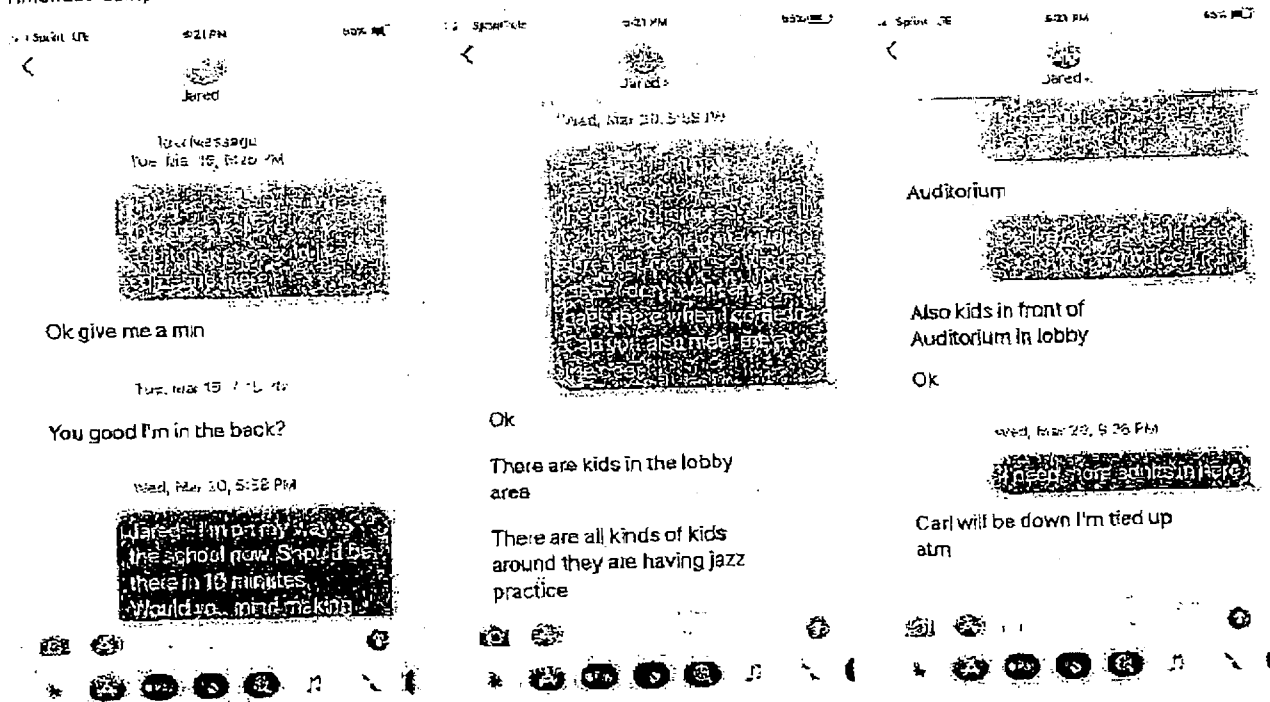
OVSD 000000912

0195a

Joint Appendix00312

Jordan Eck, Haley Hartline, Vincent Ferrizzi (Plaintiffs) vs Stacy Lyons, Individually and as Employee of Dley Valley School District
Response Documents 1

Amended Complaint 17-35: Text Communications with Jared Ott, OVHS Facilities – March 19 and March 20, 2019



0203a

Joint Appendix00314



Central Berks Regional Police Commission

2147 Perkiomen Avenue, Reading, PA 19606
610-779-1100 (Office) 610-779-7135 (Fax)

COMMISSION MEMBERS

Josh Nowotarski, Chairman, John Theodossiou, Vice-Chairman
James Cocuzzo, Todd Welke, Thomas Staron, James Oswald

Right-To-Know Response Form

11/15/19

Joel A Ready, Esq.
8500 Allentown Pike, Suite 3
Blandon, PA 19510

Dear Mr. Ready:

Thank you for contacting Central Berks Regional Police Department with your request for information pursuant to the Pennsylvania Right-To-Know law.

We received a request from you for a record of any police reports, notes, re calls, emergency or non-emergency in regard to Jordan Eck, Haley, Hartline, &/or Vincent Ferrizzi. Your request is denied for the following reasons, as permitted by Section 708 of the Act.

The Central Berks Regional Police Department has denied your request, because no such record, regarding any of the persons listed on or between the dates listed, exists within the Central Berks Regional Police Department.

You have a right to appeal this denial of information in writing to Erik Arneson, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

For criminal records of Central Berks Regional Police appeal to the District Attorney John Adams, Services Center 5th Floor, 633 Court Street, Reading, PA 19601.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See Section 1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address each of the reasons the Agency denies your request. Visit the Office of Open Records website at <http://openrecords.state.pa.us> for further information on filing an appeal. If you have further questions please call Claudia Hurwitz, Open Records Officer. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,
Claudia Hurwitz
Open Records Officer
2147 Perkiomen Avenue
Reading, PA 19606
610-779-1100

0178a

~~Case 5:19-cv-01873-MAK Document 46-1 Filed 11/25/19 Page 210 of 218~~

OLEY VALLEY SCHOOL DISTRICT
Oley, Pennsylvania

AGREEMENT OF CO-CURRICULAR/EXTRA-CURRICULAR ASSIGNMENT

The Board of School Directors of the Oley Valley School District and Stacy Lyons hereby enter into the following agreement:

Stacy Lyons shall serve as the HS Play Director for the 2018-2019 school year.

Base Salary	\$2485.00
Years of Service (4 Years)	\$150.00
Total Salary	\$2635.00

The stipend shall be paid according to the attached pay form option selected (please return the pay form with your selected pay option along with this agreement letter to the Athletic Office).

By signing this agreement, the above-mentioned employee agrees to the following responsibilities:

- To properly care for, use and store all equipment associated with the activity.
- To properly request and care for all District facilities used by the activity.
- To properly supervise students participating in the activity.
- To strictly adhere to the policies and guidelines as outlined in the Building Handbook, District policy handbook, and job description.
- To complete any additional duties that are assigned by the Principal and/or Athletic Director (for non-contracted personnel only).

This agreement must be renewed annually by the Oley Valley School Board.

Employee Signature:

Stacy Lyons

0205a

OVSD 000000857

CORNERSTONE LAW FIRM

8500 Allentown Pike, Suite 3
Blandon, PA 19510

November 21, 2019

Hon. Mark A. Kearney
U.S. District Court for the Eastern District of Pennsylvania
Room 6613 U.S. Courthouse
601 Market St.
Philadelphia, PA 19106

Sharon M. O'Donnell, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
100 Corporate Center Drive, Suite 201
Camp Hill, PA 17011

Re: **Submission of Video Evidence on Summary Judgment**
Jordan Eck, et al. v. Oley Valley School District, Case No.: 5:19-CV-1873

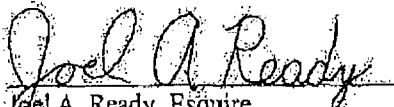
Dear Judge Kearney:

On behalf of Plaintiffs in the above-referenced case, kindly receive by this correspondence the enclosed thumb-drive containing true and correct copies of videos that were produced for the record: (1) a Snapchat "fruit video" (20 seconds) and (2) Oley Valley High School surveillance video (April 20, 2019—24 minutes, 40 seconds), and (3) extracts of the forgoing surveillance video, limited to portions that were addressed by Defendant Tracy Shank during her deposition (1 minute, 17 seconds).

Your Honor's review of the forgoing videos is requested for purposes of Plaintiff Jordan Eck's Motion for Partial Summary Judgment, contemporaneously filed with the Court. Please have your Honor's staff contact my office if any technical glitches are encountered and the same need to be resubmitted.

Very truly yours,

CORNERSTONE LAW FIRM, LLC

By: 
Joel A. Ready, Esquire
Counsel for Plaintiffs

8500 Allentown Pike, Suite 3 • Blandon, Pennsylvania 19510
phone 610.936.7875 • fax 484.930.0054 • joel@cornerstonelaw.us

0206a

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0207a

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORDAN ECK, HALEY HARTLINE,
and VINCENT FERRIZZI,
Plaintiffs,

v.

OLEY VALLEY SCHOOL DISTRICT;
TRACY SHANK, individually and as
Superintendent of the Oley Valley School
District; CHRISTOPHER M. BECKER,
individually and as Principal of Oley Valley
High School; and STACEY LYONS,
individually and as employee of Oley Valley
High School,

Defendants.

NO. 5:19-CV-1873-MAK
JURY TRIAL DEMANDED

JOINT REPORT OF RULE 26(f) CONFERENCE

The parties hereby submit the joint report of an attorneys' conference held on Wednesday, August 7, 2019, as required by the Court's Order of Friday, July 26, 2019, and state the following.

1. The Parties' Description of the Case

By the Plaintiffs: Each Plaintiff is a former student and recent graduate of the Oley Valley School District, and were involved with the high school drama club under the leadership of a teacher, Defendant Stacy Lyons. On March 19, 2019, having learned that Plaintiffs intended to speak against her at a forthcoming School Board meeting, Mrs. Lyons sent a defamatory e-mail to select students and their parents associated with the drama club. She falsely asserted that Plaintiff Jordan Eck had violent tendencies of such an extent that "the police were called in," and she asked for persons to speak in her support at the School Board meeting. Defendant Lyons also asserted in the e-mail, "I have been working closely with Dr. Shank and the administration since

January," i.e., Defendant Tracy Shank, the Superintendent, concerning Plaintiff Jordan Eck and his mother. At a publicly held School Board meeting the next day, on March 20, 2019, Plaintiffs intended to share their viewpoints about Mrs. Lyons' poor leadership of the drama club. The School Board restricted Plaintiffs' speech, claiming it would be "character assassination," while permitting other persons to speak favorably of Defendant Lyons.

Immediately after the School Board, Plaintiffs returned to the high school for a drama club rehearsal. Mrs. Lyons placed the premises on lockdown "for their safety," locking the doors so Plaintiffs could not enter, and began interrogating each student as to what was said about her at the School Board meeting. She eventually unlocked the doors so Plaintiffs could join them. Plaintiff Jordan Eck asked to speak with Mrs. Lyons privately. She was uncomfortable about that and asked for two other staff members, Maria Jones and Ms. Hartenstine, to be present for the conversation. They stood in a hallway. Jordan told Mrs. Lyons that they should patch things over and work together for the upcoming school play.

The next day, Dr. Shank and Defendant Christopher M. Becker, the high school principal, called Jordan into the office and imposed a three-day out-of-school suspension. The allegation was that, the previous evening, Jordan "lunged at" Ms. Hartenstine. The allegation was false, and Jordan was not permitted to present any witnesses in his favor. Furthermore, the conversation with Mrs. Lyons, Ms. Jones, and Mrs. Hartenstine occurred in the presence of a school security camera, and there was no indication that Shank and Becker had reviewed it. The three-day suspension coincided with the school play, thereby excluding Jordan from participating in it.

That same day, at approximately 10:00, Dr. Shank and Mr. Becker held a meeting with Plaintiffs Haley and Vinny and the rest of the drama club. Dr. Shank told the group, but staring directly at Haley, that if anyone has a problem with Mrs. Lyons, they could "leave right now."

Haley took that invitation, went to the school counselor and obtained excusal to go home. She later received in the mail an out-of-school suspension, retroactive to her excused leave, asserting that she committed a Level 3 violation. These violations include conduct such as "Threatening another student (verbal, written or inciting)" and "obscene and/or threatening calls or messages" and the like.

Finally, after the school musical ran on April 13, 2019, there was a cast and crew party afterwards. At that party, Mrs. Lyons gathered all the students and, in their presence, spoke to Plaintiff Vinny negatively about his having spoken against her at the School Board meeting. Later that morning, the drama club students returned to the school for a tear-down and clean-up event. At that event, Mrs. Lyons informed Vinny that she spoke with Dr. Shank and decided it was best for everyone's safety if he immediately left the premises, and she had him escorted off the premises by three men.

Consequently, within 24 hours of having spoken against Mrs. Lyons, Plaintiffs Jordan and Haley were suspended and removed from the school play and, shortly after, Vinny was given a de facto suspension by being excluded from the school premises. Plaintiffs allege retaliation for exercising their First Amendment rights under the U.S. Constitution, among other grounds for relief.

By the Defendants: Each Plaintiff is former student and recent graduate of the Oley Valley School District. Each Plaintiff was a very good student and enjoyed extracurricular activities. Plaintiffs Eck and Ferrizzi were both active in the drama club. Defendant Stacey Lyons was and remains the current Chair of the Drama Club, theatre director and student advisor. During the Plaintiffs' last year at the District, Defendant Lyons held auditions for the musical, "Newsies." Although Plaintiff Eck had his heart set on the lead, he was not chosen for

that part, but rather, another part Ms. Lyons felt he was better suited to perform. Plaintiff Eck was very outspoken about his disappointment with Defendant Lyons' choice and between himself and his mother brought the matter to the School Board during a public meeting. Ahead of that meeting, Defendant Dr. Shank, the Superintendent of Schools, learned of Plaintiff Eck's intentions, as well as those of his mother and Plaintiffs Hartline and Ferrizzi, both of whom were close friends with Plaintiff Eck. Those intentions were to discredit and humiliate Defendant Lyons at the public meeting, and to cast doubt on her ability to run and direct the Drama Club. Defendant Shank interceded and strongly encouraged Plaintiffs not to disparage Defendant Lyons in public and to present support for the musical and for Defendant Lyons' direction of it and of them. Unfortunately, the Plaintiffs did not heed the advice of Dr. Shank and spoke out against Defendant Lyons.

Following the Board Meeting, a closed rehearsal was held during which time Defendant Lyons spoke with some of the members of the play, and some of them discussed what they saw and heard at the board meeting which Lyons did not attend. Eventually, Plaintiff Eck joined the rehearsal and a decision was made to go forward in solidarity to the production, if not to each other.

Letting go of emotions became impossible and not long afterwards, Plaintiff Eck became insubordinate and aggressive towards one of his teachers; Defendant Becker, the building principal, had supervision over these matters and escalated them to the Superintendent for disposal. Plaintiff Hartline became insubordinate to Dr. Shank during a meeting when Dr. Shank admonished the students for their emotional uprising and strongly suggested that they learn to cooperate with their drama club director; and Plaintiff Ferrizzi, was simply unwelcome by all

those who supported the drama club director and the production and he was quietly escorted off the set during clean-up by some parents.

Plaintiffs Eck and Hartline were given 3 day suspensions for their insolent behaviors toward the professional and administrative staff. Those suspensions have given rise to their causes of action sounding in alleged first amendment retaliation, among others. Plaintiff Ferrizzi's cause of action arises from his escorted walk from the Newsies stage following the play and during clean up.

2. STIPULATED FACTS

- a. Plaintiffs were students at the Oley Valley High School.
- b. Plaintiffs were involved in the High School drama club, and Mrs. Lyons was a teacher having responsibility and oversight of the drama club.
- c. Mrs. Lyons was a teacher and employee of the Oley Valley High School.
- d. Christopher M. Becker was the principal of the Oley Valley High School.
- e. Dr. Tracy Shank was the Superintendent of the Oley Valley School District and ex officio member of the Oley Valley School Board.
- f. Plaintiffs spoke against Mrs. Lyons at a publicly held School Board meeting on March 29, 2019.
- g. Plaintiffs Jordan and Haley received written, out-of-school suspensions and were excluded from the school play.
- h. Plaintiff Vinny received a de facto suspension in the nature of being directed to leave school premises and excluded from a drama club event.

3. INFORMAL DISCOVERY

Voluntary disclosures pursuant to Rule 26(a)(1)(A) have been exchanged.

4. This is not a patent case.

5. DISCOVERY TO BE TAKEN BY EACH PARTY

By the Plaintiffs: Plaintiffs will serve interrogatories, requests for production, and requests for admission upon each Defendant for liability and damages information, for video of the alleged incident in the hallway between Jordan and Ms. Hartenstine, and will depose each named Plaintiff and each named Defendant, any parent with knowledge of the facts and circumstance as averred in the Amended Complaint. Additionally, Plaintiffs may depose the School Board concerning the publicly-held meeting on March 20, 2019.

By the Defendants: Defendants will serve interrogatories and a request for production of documents upon each Plaintiff for liability and damages information and will depose each Plaintiff and any parent with knowledge of the facts and circumstances surrounding each Plaintiff's behavior leading up to the suspensions.

6. ELECTRONIC DISCOVERY

No issues. Defense counsel represents that the high school's security camera footage has been preserved, as relating to the allegations in the Amended Complaint whether or not Plaintiff Jordan "lunged at" Ms. Hartenstine. This footage will be provided in a manner viewable on an ordinary computer.

7. EXPERT WITNESS DISCLOSURES

The parties do not intend to use expert witness testimony at trial.

8. SETTLEMENT OR RESOLUTION

The parties have already had preliminary discussions about the parameters of any future settlement. Plaintiff expects to have a demand to Defendants' counsel in the near future.

9. TRIAL

Plaintiffs' counsel has planned vacation from October 16 to November 1, and a trial from November 1 to 5, 2019. Defendants' counsel has planned vacations for February and September, 2020.

10. AGREEMENT TO PROCEED WITH MAGISTRATE JUDGE

The parties have no objection to Judge Heffley's involvement with the case.

11. OTHER MATTERS

Signed waiver of service of the summons for Defendant Christopher M. Becker has been requested but has not yet been returned. Pending before the Court is Defendants' Rule 12(b)(6) motion to dismiss.

SUBMITTED BY:

CORNERSTONE LAW FIRM, LLC

MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.

BY: /s/Joel A. Ready
Joel A. Ready, Esquire
Attorney ID 321966
8500 Allentown Pike
Suite 3
Blandon, PA 19510
(610) 926-7875

BY: /s/Sharon M. O'Donnell
Sharon M. O'Donnell, Esquire
Attorney ID# 79457
100 Corporate Center Drive
Suite 201
Camp Hill, PA 17011
(717) 651-3503

Subject: Need your help		Help
Date: 2019-03-19 15:32:51 Download		
From: Stacy Lyons		
To/Cc: kellyandshawncorrad@aol.com		
View Message		View Source

Hi Shawn,

I need your help. I've spent the last 2 months shielding the kids from some very horrible stuff happening behind the scenes with a student and his mother. Unfortunately the situation has escalated to the point that this student posted something against the other student and police were called in. This mother and her son want me fired and in the mothers words "she is going to destroy me" - all of this because her son was not cast as Jack.

I have been working closely with Dr Shank and the administration since January. This parent has made friends with Mrs Zackon on the school board. This is helping to fuel the fire.

Dr Shank let me know today that this parent is planning on attending the school board meeting tomorrow night at 7pm in the HS library.

I am reaching out to ask any and all parents that believe in this program and students that love the program to please show up to show your support. We are in jeopardy of losing this program.

Any questions feel free to call me 610-621-6588

Stacy Lyons
Director
OVHS Drama Department
slyons@ovsdpa.org
610-621-6588 (c)

3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Christine & Bernie Frankowax" <christinefranco.
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Rob & Erica Witt" <ericaw77@ptd.net>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Kerry Matteoli" <kmatteoli@icloud.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Jessica & David Kaufman" <jes0925@comcastln.
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Beth Hoch" <sbsahoch@gmail.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Mrs. Griffiths" <griffiths71201@gmail.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Rachel Kerper" <rachelkerper@gmail.com>
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Brad Teeters" <Brad.teeters@gmail.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Cinamon Kopicki" <cinamonkopicki@yahoo.com>
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Jillian Prou" <symj48@aol.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Catherine Wagner" <lqpsj@yahoo.com>
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Jere Stoudt" <jerdan0609@yahoo.com>
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Teresa Fegley" <mom80703@aol.com>
3.7K "Stacy Lyons" <slyons@ovsdpa.org>	"Adam Schanely" <aschanely@gmail.com>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Jennifer Schlegel" <jrschlegel@comcast.net>
3.8K "Stacy Lyons" <slyons@ovsdpa.org>	"Tracy Donoff" <tracydonoff@gmail.com>
4.0K "Stacy Lyons" <slyons@ovsdpa.org>	"Juli Bertin" <jsbertin@gmail.com>
4.5K "Stacy Lyons" <slyons@ovsdpa.org>	kelyandshawncontrad@aol.com
3.6K "Stacy Lyons" <slyons@ovsdpa.org>	kelyandshawncontrad@aol.com

12/03/2019 08:38

(FAX)

P.002/003

Central Berks Regional PD					23-19-02021				
Incident Report Form					03/19/2019 Department Information				
Primary Officer: <u>JEREMY S. SMITH - JSS</u>									
<input type="checkbox"/> Juvenile Involved	<input type="checkbox"/> Investigation	<input type="checkbox"/> Video Available	<input type="checkbox"/> Gang Related	<input type="checkbox"/> Paperless					
<input type="checkbox"/> Domestic Related	<input type="checkbox"/> Suspects	<input type="checkbox"/> Bias Crime	<input type="checkbox"/> Accident	<input type="checkbox"/> Administrative					
<input type="checkbox"/> Alcohol Involved	<input type="checkbox"/> Arrests Made	<input type="checkbox"/> Drugs Involved	<input type="checkbox"/> Ready for DA / Prosecutor	<input type="checkbox"/> Alarm Activated					
Log Number 23-19-02021	Incident Number 1747	File Number	Case Number	UCR					
Incident Type INFO			Dispatcher	Source BERKS	District OL	Status			
Incident Date / Times									
Date Received 03/19/2019	Day Rec'd Tuesday	Rcvd 1044	Disp 1047	Arrv 1047	Clrd 1058	Earliest Date and Time		Latest Date and Time	
Disposition COMP COMPLETED			Cleared by Exception			<input type="checkbox"/> Suspended			
UCR Clearance			UCR Occur Date	UCR Clear Date	UCR Count	UCR Human Traffic Code	UCR HT Count		
Location									
17 JEFFERSON ST OLEY PA 19847					Cross Street				
Municipality: OLEY TWP					GPS Loc X		GPS Loc Y		
Business Name			Premise Code			Arson Value			
Gang			Weather						
Modus Operandi Coding					Victim:				
Entry:					Properly:				
Exit:					Area:				
Method:					Time of Day:				
WEAPON USED:									
Caller / Complainant Type									
Normal <input type="checkbox"/> Anonymous <input type="checkbox"/> Hangup <input type="checkbox"/> Refused <input type="checkbox"/>									
RESPONDING / INVOLVED UNITS, OFFICERS, TIMES									
Division		Supervisor / ID		JMJ					
Unit Number		Officer / ID (Off1 / Off2)		Officer / ID (Off3 / Off4)					
		JEREMY S. SMITH		JSS					
COMMENTS / NARRATIVES									
Title DEPTINFO									
Narrative Created By / Creation Date JEREMY S. SMITH 03/19/2019					Narrative Updated By / Update On JEREMY S. SMITH 03/19/2019				
Narrative Approved By / Approved Date									
Off Jeremy Smith #115 3/19/2019 @ 1251hrs									
I received a phone detail to contact Anne Marie Borovik, the guidance counselor for the school, about an									
23-19-02021		03/19/2019		<input type="checkbox"/> APPROVED BY:		PAGE 1			
IRF 1.0				APPROVED ON:					

12/03/2019 08:39

(FAX)

P.003/003

Central Berks Regional PD**23-19-02021****03/19/2019****Incident Report Form****Department Information**

incident between two students. She advised me that there was a Snapchat video involving a student named Jared. She said another student, Jordan, posted the video of Jared and added comments about certain fruits. She said Jared is allergic to the fruits that were mentioned in the post. She said there has been some animosity between them because Jared got the lead in the school play and Jordan did not. She did say that Jared's mother was aware of the incident and was going to contact police at her leisure. Borovik also mentioned that Jordan's mother was seen in the parking lot of a dance studio that both males attend even though Jordan was not present.

At the time of this report no reports have been made regarding the above information.

Nothing further

23-19-02021**03/19/2019****APPROVED BY:****APPROVED ON:****PAGE 2**

IRF 1.0